

1
2 STATE OF TENNESSEE
3 DEPARTMENT OF TENNESSEE EMERGENCY COMMUNICATIONS
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8 TRANSCRIPT OF THE PROCEEDINGS
9 taken January 15, 2004
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12 The aforementioned cause came on to be heard, on
13 January 15, 2004, before the Tennessee Emergency
14 Communications Board Board, and the following is a transcript
15 Of the proceedings that were had on February 21, 2001, to wit:
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21 Cannon & Stacy
22 Court Reporters
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Reported by Beverly Cannon

Cannon & Stacy Court Reporters

1 APPEARANCES:

2

Members of the Board: Mr. Randy Porter, Chair

3

Mr. Charles Bilbrey

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Mr. Ike Lowery

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Mr. Freddie Rich

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Ms. Wanda Moody

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Mr. David W. Purkey

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Ms. Shelby Sheffield, Esq.

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Staff Members: Mr. Anthony Haynes

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Ms. Lynn Questell

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Ms. T.J. Revis

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1 MR. PORTER: The board meeting to order. This
2 is the January 15th, 2004 meeting of the Tennessee Emergency
3 Communications Board. Let the record show that we have one
4 member out -- two members, Mr. Sharber and Mr. Vickers.

5 All of the other members are present and have
6 formed. I'd like to welcome everyone in the audience and
7 thank you for coming today. We have a lot of items on the
8 agenda today. We'll try to move as quickly as possible.

9 I would -- I feel good that there might be a
10 chance that we might be able to finish today, but we'll try a
11 couple of hours and see. I know -- I see a lot of smiles on a
12 a lot of folks. We're going to do our best.

13 We don't want to rush too fast through stuff,
14 but we want to be able to take care of business in an orderly
15 manner. First item on the agenda today is Mr. Haynes'
16 Director Report.

17 Why don't you start Anthony -- and we'll do
18 things just a little bit different than we have in the past
19 with his report. Any items that requires actions of us, we're
20 going to address those as he reviews them and do the action
21 then.

22 And that way we don't try to do a lot things at
23 the end of his report. We'll go item by item.

24 MR. HAYNES: Thank you, Mr. Chairman. First of
25 all, I'd like to thank the staff, Mr. Chairman, who have

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1 done considerable work in preparing for this board meeting.

2 They had asked that to me and ultimately we'd
3 ask that to the board. We have a lot of housekeeping items as
4 the nature of being the first meeting of the new calendar year
5 that we need to take care of.

6 Nonetheless there are those as well as some
7 other items that are before the board today that have required
8 extensive research and analysis on behalf of the staff.

9 Most in terms of finance as well as legal
10 procedures. And your staff has served you well, I'm proud to
11 say. And I'm just proud to have the opportunity to be a part
12 of that group.

13 And so I would ask the board members during the
14 break and other times if they would recognize the staff
15 individually by thanking them for their hard work. First of
16 all, Mr. Chairman, I'd like to report on our Phase II
17 Implementation Progress.

18 As of today we only have seven ECDs in the State
19 that are not in that Phase II E-911 ready. And in February we
20 would expect Carroll and Granger Counties to be online with
21 Phase II service sometime between now and as late as
22 February -- next month actually.

23 Bledsoe, Grundy, Sequatchie and
24 Van Buren, we're expecting those to come on line at different
25 times. They're all on a different schedule, but over a period

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1 of time between February and May of '04.

2 And then also Marshal County, we're not
3 necessarily sure about the progress of Marshal. We do know
4 that they're in the process of getting the equipment.

5 But some good news, we are proud to report that
6 historic counties like Clay and Hancock, who have never had
7 E-911 service, are not only online with E-911 land line
8 service, but also Phase II ready.

9 Hancock also has the exception of their 65
10 residential lines served by Scott (phonetic) County Telephone
11 Cooperative of Virginia. And so that is kind of a unique
12 situation that we're working with.

13 We have worked with that for months with Rex
14 Hollaway (phonetic) and all the State goers involved. Quite
15 frankly, Mr. Chairman, I think what the staff is going to have
16 to do is next month when we're in Washington -- at least we
17 have one scheduled anyway with one of the FCC Commissioners --
18 we'd just ask -- ask the FCC to intervene and help us come up
19 with a solution to bring those 65 lines the first time we've
20 had them under the service.

21 The carriers have been doing a tremendous job.
22 Verizon, AT&T and Cingular are deployed everywhere except
23 where we don't -- do not have the PSAPs ready. I do not have
24 the report on Crickett Leap.

25 Sprint PCS, T-Mobile and Nextel Partners and

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1 Nextel all continue at that point. Among the carriers --
2 three carries, Altel has completed, at this point. We will be
3 requesting cost recovery today.

4 We do not have a report on Tric PCS (phonetic)
5 or US Cellular. And as far as the tier three carriers saying
6 their staff is complete, Vannytele (phonetic) and Point
7 (phonetic) and Northville (phonetic) are all near completion,
8 with not only their areas, but the expansion that they've made
9 in that in the last three to six months.

10 We do not have any information on Cleartalk
11 (phonetic). ECD performance measures, Mr. Chairman, I think
12 it's important that I discuss this just for the point of the
13 record.

14 As a requirement of performance based selection,
15 the State is going to -- the Department of FNA has been
16 coordinating with all the different departments and
17 identifying performance measures in terms of the department's
18 strategic plan.

19 That was quite a lengthy process and I'm proud
20 to say that the Commissioner of this department, as well as
21 the Deputy Commissioner, were just real champions to work with
22 this board.

23 In helping the -- trying to convince the
24 Department of FNA that there was more ways to measure the work
25 of this board than just the number of counties with E-911

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1 service.

2 Quite frankly, there are a number of statutory
3 obligations as well as authorities and powers of this board,
4 that we have to carry out that do not show up in those simple
5 measures.

6 We made a case to this, the department made a
7 very strong case for it, but in the end the Department of FNA
8 wanted to go with other measures. They have a right to do so.

9 But I'm responding with a letter, which is in
10 your packet, to Commissioner Flowers (phonetic) noting that we
11 submitted other measures.

12 That we did not want the measures that were
13 adopted to ever be used to interfere or impede this board's
14 ability, its authorities or utilizing its financial resources
15 in being able to carry out its statutory measurements.

16 I'd also mention that we're doing a considerable
17 amount of work on the National Federal E-911 Bill. We've
18 worked directly with the sponsor Senator Burns' staff.

19 We remain concerned, Mr. Chairman, that if
20 there's not some point of legislative history, either in the
21 report language of the bill or in a colloquy on a House or
22 Senate Floor, that there will be an absence of legislative
23 history that captures the -- and tell Congress that no state
24 would be penalized for its progress or the presence of the
25 funding mechanism in qualifying for federal grants that will

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1 be created by the bill.

2 It's just my personal experience of working
3 almost 12 years in Washington, Mr. Chairman, the money goes
4 where the hole is.

5 And quite frankly, if we don't make sure that we
6 are not penalized and more importantly the people of Tennessee
7 are not penalized with the presence of our funding mechanism,
8 as well as the progress we've made to Phase II.

9 We will most likely see -- or any of the State
10 of Tennessee will receive less of a priority to the federal
11 funds than other states that may have done nothing for
12 misdirected or misallegated their E-911 monies and spent them
13 on other purposes.

14 We do have financial needs in this state,
15 Mr. Chairman, as you well know. And just because you have the
16 presence of the funding mechanism doesn't mean challenges and
17 natural problems go away, particularly in some of your more
18 rural areas.

19 At this time, Mr. Chairman, I'd like to confer
20 or call on Don Johnson to give you your Auditor's Report on
21 outstanding city budgets and audits.

22 MR. JOHNSON: Thank you. When we last met we
23 had a few ECDs that had not sent in their 2002 audit
24 request -- I mean, not their audit request, but the
25 budgets; of those they were Anderson, Crockett, Grundy,

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1 Henderson, Lake and Tipton.

2 After that meeting we received an audit -- a
3 budget from Lake County for 2002. And we received a budget
4 for Grundy for 2003. Other than that, the rest of them have
5 sent it in.

6 MR. PORTER: Can you read those out to me again?

7 MR. JOHNSON: Henderson, Crockett, Grundy,
8 Anderson -- yeah, Anderson, Crockett, Grundy, Henderson and
9 Tipton for 2002. Now, of the recent statement for 2003 they
10 haven't sent one in either. I mean, actually that's 2004.

11 MR. PORTER: So you're missing 2003 and 2004?

12 MR. JOHNSON: 2004.

13 MR. PORTER: I don't know how the other board
14 members feel about that, but, you know, we sent down policies
15 and we expect the districts to follow it. And I don't think
16 that they're too hard on them.

17 And I just don't see any excuse for a district
18 not sending in a copy of their budget. That makes me think
19 that something is -- it gives the appearance that something
20 may not be right in those counties.

21 I'd like to see us give Anthony the -- to talk
22 to these counties and give him the right to hold the wireless
23 money until they've submitted the documents that they're
24 supposed to.

25 We need to do something. You can tell that

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1 they're not paying any attention to the
2 correspondence. That's -- what's the wishes of the board?

3 MR. LOWERY: Have these same counties done
4 anything on audits or are they behind also?

5 MR. JOHNSON: No. They're okay on audits.
6 Everybody has sent in an audit except for Lake and Grainger
7 because they're not required to right now.

8 MS. MOODY: Would it be appropriate,
9 Mr. Chairman, for a motion to be made that moves that we
10 request for Executive Director to -- send a letter to these
11 Executive Director as well as the chairperson of each of these
12 counties?

13 And in that letter stipulate that unless we
14 receive that budget -- and give a time frame perhaps in two
15 weeks -- that their next payment of wireless funds will be
16 withheld until such time that the budget is submitted.

17 MR. PORTER: Do I have a second?

18 MR. BILBREY: Second.

19 MR. PORTER: Second, by Mr. Bilbrey.

20 MR. LOWERY: Mr. Chairman, would
21 Ms. Moody accept an amendment to also copy that to the county
22 mayor since he appoints the board members?

23 MS. MOODY: That'll be fine.

24 MR. PORTER: Any problem with making that an
25 addition to the motion?

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1 MS. MOODY: No. I will accept
2 that amendment.

3 MR. PORTER: Okay. So we have a motion and
4 second to request our Executive Director to send a letter to
5 the director and the chair of each one of those counties
6 stipulating unless that we receive the documents that we need
7 within 14 days, that the next wireless reimbursement will be
8 withheld from those counties until we do get the documents.
9 Discussion?

10 MS. MOODY: And that a carbon of that letter
11 would go to the mayor -- county mayor.

12 MR. PORTER: Go to the county mayors. Any
13 discussion or questions? All in favor say "aye". All opposed
14 like sign. Motion carried. Don, do you have anything else in
15 your --

16 MR. JOHNSON: Well, if I could go through some
17 findings.

18 MR. HAYNES: Mr. Chairman, for the board I would
19 like for Don to complete his report by mentioning to you an
20 overall summary of all the audits that we do have.

21 The three most common findings and just give you
22 a little bit of a feel for where we are statewide versus the
23 findings.

24 MR. JOHNSON: After getting all of the audits
25 for the fiscal year 2002 some of them had -- 12 had net

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1 losses; two of those 12 is Oak Ridge and Hancock. Of that 12
2 who had net losses, two of them are financially distressed;
3 and that's Oak Ridge and Hancock.

4 But Oak Ridge, we've had a rate increase in Oak
5 Ridge for this year. The next high -- or the highest was in
6 51 -- 51 districts had overextending budgets. And the next
7 highest was 21 findings dealing with segregation of their
8 duties.

9 Of course, you have some small districts out
10 there doing everything themselves. As a total -- well, the
11 ones that didn't have any findings was okay and there was 26
12 of them.

13 This is out of 100 districts. Totaling up all
14 of the findings we have 159 findings out of 100 districts.
15 That's all.

16 MR. PORTER: Compared to county commissions it's
17 probably not too bad, is it? Anything major in any of your
18 audit findings, other than what was just addressed?

19 MR. JOHNSON: No. Of course, you have one
20 that -- yeah -- two give restrictions.

21 MR. PORTER: Okay. Questions?

22 MS. MOODY: I wonder -- you say that 51 had
23 overextended their budget -- their expenditures had -- I
24 wonder if those same districts have had that finding on
25 previous --

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1 MR. JOHNSON: Majority of them, yes.

2 MS. MOODY: Well, I guess my question is: Where
3 do -- what are we going to do about it? I mean, you know, you
4 can't just keep on spending if you overextend your budgets
5 without having some real --

6 MR. JOHNSON: But if you'll keep mind when we're
7 talking about overextending -- our office more or less deals
8 with line by line item detail. And so they might deal with
9 extending one or two items, not the total budget.

10 MS. MOODY: Well, I thought you meant the total
11 budget.

12 MR. JOHNSON: It's one or two line items, not
13 the total.

14 MR. PURKEY: But, Mr. Chairman, I think what the
15 boards are not doing -- they're not cleaning that up before
16 year-end.

17 MR. PORTER: They're not amending their budget.

18 MR. PURKEY: Yes. And it's a very simple thing
19 to do and they're not doing that.

20 MR. HAYNES: Mr. Chairman, I was wondering if
21 Ms. Moody or any of the board members would consider allowing
22 the staff -- before any action is taken by the staff -- to
23 have a little bit more time to work with these districts.

24 Particularly, what I'm proposing at the last
25 board meeting, which I think was in August, you-all authorized

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1 the staff to work with the necessary folks, everybody from the
2 comptroller to the treasurer and others, in putting together a
3 couple of series of symposiums across the state and to be
4 attended by the districts.

5 Hopefully, they attend by the districts. As we
6 covered a number of financial issues, budgets issues, where to
7 go for grant money, a number of things that could really help
8 them.

9 And I would kind of like to give them the
10 chance for that series to work before, you know, the board
11 gets to a point that they might be ready to consider taking
12 action. I'll act upon whatever your wishes are.

13 MS. MOODY: That's -- I think that sounds
14 reasonable.

15 MR. PORTER: The board in agreement then to
16 let -- to see how these meetings go and see if that helps the
17 process? Okay. Anything else?

18 MR. JOHNSON: That's it.

19 MR. PORTER: Anthony, you got something?

20 MR. HAYNES: Thank you. Mr. Chairman, I would
21 just point out to the board that the annual report -- the
22 annual report to the Governor and Speakers and the Chair's
23 committees that's due, will be probably completed in February
24 the staff and folks believe that.

25 We would like to send you a draft individually

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1 to each board member. And if you saw anything that needed to
2 be adjusted or you felt that needed to be added, the staff
3 would be glad to work that up.

4 And we would like to be able to have that first
5 cut for your review within the next 30 days. The -- I'd like
6 to give you a brief report on the financial assistance to
7 districts in terms of grants.

8 At last review we had 46 GIS mapping escalation
9 cost recovery request that have totaled approximately 2.1
10 million. Those have been paid. And then also we had 32 GIS
11 mapping maintenance grants request to be paid out a total
12 of -- I think, we should have your 1.4 million -- our record
13 shows 1.4 million.

14 I didn't realize we had that much money. We'll
15 get that corrected and get it to you. I'm also pleased to
16 report that in late December we finally received word from the
17 Department of FNA that the staff had been approved to
18 administer the rule of dispatcher assistance grant.

19 We will be putting out information for all
20 districts. Although not all districts qualify for this grant,
21 we want all to know how it is administered, what the
22 conditions for the grant are.

23 And we'll also be posting that information to
24 our website and immediately begin working with the districts
25 that are within the range and qualifications to help them get

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1 this financial assistance as quickly as possible.

2 I'd also like to thank the board, and
3 particularly you Mr. Chairman, for your support and
4 nomination to participate in the Tennessee Governing
5 Executives Institute.

6 I completed that program in December and I
7 was -- I think it was very much worthwhile. I feel like that
8 it would not have been possible without the support of this
9 board to attend it. And I just wanted to thank you for your
10 support of that.

11 And the last two items in terms of -- to report
12 on before we get to our action items, is -- I briefly touched
13 on Hancock County about the 65 residential lines that we will
14 be working on.

15 But lastly I would like to discuss briefly a
16 dispute of cost recovery raised by T-Mobile in their Phase I
17 cost recovery. It appears that T-Mobile's memorandum of
18 understanding -- or memorandum of agreement -- I'm getting my
19 terms mixed up -- that we have will be paid on a subscriber
20 basis.

21 However, the board was getting invoices for
22 two-plus years that indicated to the board -- or at least we
23 were operating under that perception -- that it was full 100
24 percent cost recovery.

25 Their billing is performed by TCS not T-Mobile.

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1 Recently after a new program manager started the idea came on
2 that they would go back to that system.

3 And, of course, the staff was necessarily -- was
4 automatically concerned that T-Mobile may be seeing the state
5 board as a profit center as opposed to purely cost recovery.

6 After establishing that, we made sure that they
7 understand that. The bottom line is, the staff still feels
8 like that the board acted in good faith.

9 As far as the board knew and under my leadership
10 as well as the previous leadership, we were paying 100 percent
11 as it was proposed to us.

12 The only way to verify that those new costs are
13 legitimate is to preform some sort of audit, some sort of
14 financial review. It can be done any number of ways.

15 But the bottom line is, the staff doesn't feel
16 like that the board should pay to make sure that somebody is
17 being honest with you. When they've decided they're going to
18 change the way they're doing business when they signed the
19 cert of protection, that everything was true and correct and
20 it was a sworn statement.

21 So the staff, with the board's support, may
22 insist on the carrier covering the cost of this so-called
23 financial audit -- financial review, whatever we work together
24 and feel like is necessary to demonstrate, not only
25 immediately to the board, but for sake of having the record

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1 for the future established that these numbers weren't properly
2 bedded and it is a bonafide cost, that we could justify paying
3 more money for on the Phase I cost recovery.

4 And unless anyone, I guess, has the opposition
5 of that, Mr. Chairman, I'll just proceed as if that would be
6 the will and the intent of the board. Do I need a motion on
7 that?

8 MS. SHEFFIELD: No. I think you have --

9 MR. PORTER: Any board members have any problem
10 with that? Okay.

11 MR. HAYNES: That concludes my update,
12 Mr. Chairman. And now what I would like to do with your
13 permission to proceed to some of the action items.

14 Well, I did forget one very important thing and
15 that is to announce to the board that a couple of the folks in
16 the 9-1-1 family that we work very closely with and have been
17 very supportive of our efforts, particularly on our Homeland
18 Security Advisory Committee, Rutherford County Director Steve
19 Blane (phonetic) and Bobby Thompson (phonetic), both are
20 retiring from their respective careers. Bobby, as you know,
21 is from BellSouth.

22 And there's probably been no greater friend to
23 the state board during a very trying time of Phase II
24 deployment. Have no more of a go to guy and no more of a guy
25 that's just going to get it fixed for whatever cost it's going

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1 to come to the end of his time than Bobby Thompson.

2 And I don't know if the board wishes to pass any
3 particular motion to wish them well. The staff is prepared to
4 send them a plaque on behalf of the board thanking them for
5 not only their dedication to E-911, but particularly for the
6 service to this board over the last couple of years.

7 MR. PORTER: Can we have them come to our next
8 board meeting to do that here?

9 MR. HAYNES: Sure. I'm sure they'd be glad to
10 do that.

11 MR. PORTER: Will that be okay with the board
12 members if we ask them to come to the next board meeting and
13 present them a plaque for their service?

14 Because both of those folks go back in the
15 beginning of 9-1-1 in Tennessee. And if not for them we
16 probably wouldn't be in the good position we are today. If
17 everybody's in agreement, then Anthony can do that. Okay.
18 Next item.

19 MR. HAYNES: We have nine items,
20 Mr. Chairman. Each one of those will need to have a vote. So
21 I appreciate action afforded me on these. The staff would
22 like to recommend to the board that you authorize us to extend
23 the necessary resources, that means financial resources, and
24 set a schedule for the annual true-ups of the carrier cost
25 recovery that is specified and called for in our memorandum of

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1 understandings with the respective carriers on their cost
2 recovery.

3 What I would like to do is to do a true-up
4 annually, but maybe some sort of a little bit more in depth
5 financial review. It doesn't have to be a full blown audit,
6 but of the companies E-911 calls versus their submission to
7 the state for cost recovery.

8 And I would like to do that particular type of
9 financial review on a two year basis, if that meets with the
10 board's approval. And I would request the board to authorize
11 the staff to do that at this time.

12 MR. PORTER: You heard Anthony's request for the
13 rule of the board. Does everybody understand the -- Andy is
14 asking us to approve doing the true-up for the wireless
15 carriers?

16 Basically is to get of their auditors saying
17 that all the cost recovery that's being presented to the board
18 for reimbursement over the past years to start doing Phase I
19 is accurate and correct.

20 And we have that in our memos agreement that we
21 set up some of these carriers to do that and it's just now
22 getting to the point that we're following up along to be able
23 to do those.

24 And Andy asked that we do those on an every two
25 year basis and we go ahead and start doing that.

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1 MS. MOODY: Doing it every two years rather than
2 annually?

3 MR. HAYNES: I think our agreements requires to
4 do it annually, but it would be a more independent financial
5 review of the company to make sure that it's more of a
6 verification process.

7 We have to true-up according to what the
8 contract, but we -- how extensive of a review we do of the
9 company's books is discrepant.

10 And I would ask that about a every two year
11 basis that we do as the State of Alabama Wireless Board does
12 in working with the companies designated independent auditors,
13 that they have to have by law as a publicly held company.

14 And utilize their information and their
15 knowledge of that company's books just to look into that part
16 of that company's business to ensure that we haven't paid them
17 too much based on what their true cost recovery was in
18 retrospect looking back over time.

19 MS. MOODY: Are you planning to do all of them
20 in depth in the same year or are you going to put them on some
21 kind of a rotating cycle?

22 MR. HAYNES: I think what we would like to do is
23 reserve a final decision on that to whatever seems to make
24 sense. We would hate to topple over the staff with about 16
25 audits to look at at one time.

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1 And the two year is basically allowing the staff
2 with such stability we could stagger those and look at half
3 one year -- one calendar year -- half the next and just keep
4 the flow going.

5 MS. MOODY: That was my thought too. Because it
6 would be a real burden on the staff if you did all of them the
7 same year. Do you need a motion?

8 MR. BILBREY: Without this passed what can
9 we -- this -- are we talking about an annual? What's required
10 in that MOU (phonetic) on that?

11 MR. HAYNES: If I'm not mistaken the memorandum
12 agreement for the wireless carriers says an annually yearly
13 true-up. If we pay them too much money on cost recovery than
14 what their cost actually were they will reimburse the state
15 board.

16 However, if the carrier's cost ran higher than
17 what we remitted to them we'll also pay them more.

18 MR. BILBREY: But that's annually?

19 MR. HAYNES: That's annually.

20 MR. BILBREY: You want to go --

21 MR. PORTER: But he's actually wanting to go
22 more in depth, Charles.

23 MR. BILBREY: I know.

24 MR. PORTER: We can go over the auditors or
25 those firms of those wireless carriers and have them submit.

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1 And we thought that doing that every year was a little too
2 much.

3 And then we did that every year -- every other
4 year because there's so many carriers trying to do them all at
5 one would be a great load.

6 MR. HAYNES: My understanding that the State of
7 Alabama -- Don just talked extensively to them -- the wireless
8 board -- is that they spend anywhere between as little as two
9 million dollars a year -- or two million dollars per product
10 up to 28, depending on how detailed of an audit you want.

11 MR. BILBREY: How much would a true-up --

12 MR. HAYNES: I'm sorry. I said two million --
13 erase that -- 20,000.

14 MR. BILBREY: Okay. I started to say -- we
15 could be talking about a lot of money.

16 MR. HAYNES: Right.

17 MR. BILBREY: But anyway, are we saying it's
18 almost been -- it could be a negligible amount so far that
19 we're dealing with on an annual basis?

20 MR. HAYNES: Yes, sir. I think it is in terms
21 of what true-up may be necessary as well as what costs for
22 monitoring that. But I just -- the staff feels like that if
23 we don't put forth a fairly good effort to make sure that the
24 board is spending its monies wisely and all their eyes are
25 being dotted and Ts being crossed.

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1 MR. BILBREY: But you will look at it on an
2 annual basis?

3 MR. HAYNES: Yes, sir. That's correct. And
4 required by the contract.

5 MR. BILBREY: Okay.

6 MR. PORTER: Do I hear a motion?

7 MS. MOODY: I move that the staff continue the
8 annual true-up and cost recovery with the understanding that
9 there will be a more detailed audit done semi-annually --
10 bi-annually, I guess -- bi-annually -- and that the staff
11 would determine which carriers on a case basis.

12 MR. PORTER: Do I have a second?

13 MR. BILBREY: Second.

14 MR. PORTER: Second by Mr. Bilbrey. Any
15 discussion? Don't want to understand what we're voting? All
16 in favor say "aye". All opposed like sign. Motion
17 carried. Next item.

18 MR. HAYNES: The FCC recently deferred action on
19 requiring E-911 location technology on public branch exchange
20 and multi tenant lines and they kind of left that policy to
21 the state.

22 In an order, which you have a copy of in your
23 premeeting packets, it basically determined that there did not
24 want to be national policy on it at this time and maybe even
25 present a model legislation to be introduced to the states.

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1 So given that and given that it's been an issue
2 with the staff and TENA for sometime now, the staff would
3 recommend that the board direct us to work with the Tennessee
4 Emergency Number Association, carriers as well as the TRA
5 staff, to formulate a policy ultimately that might become an
6 order of TRA or maybe even legislation in the State of
7 Tennessee.

8 That would be the policy in Tennessee on what
9 should be the location technology requirements on private
10 branch exchanges and multi tenant lines.

11 Also I would ask the board to indulge and say if
12 you would also permit me to use discretion if any legislation
13 were to come up during this session.

14 We're not planning on instigating any, but if
15 some were to come up it could be fixed to deal with this issue
16 that you-all allow me to use the judgment that I have to see
17 if it would be in the best interest of 9-1-1.

18 That -- what would most likely be the intent of
19 the board and it would offer to the Department of Commerce
20 support or a lack of support for any particular legislation
21 that might come up during this session.

22 So, Mr. Chairman, if I could clarify that I
23 guess we're asking you to direct us to work with the state
24 holders as well as to authorize me to act on any legislation
25 that might come out of this session related to this matter.

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1 MR. PORTER: Well, the 9-1-1 calls come in a
2 PDA, as I understand that.

3 MR. PURKEY: So moved, Mr. Chairman.

4 MR. PORTER: Motion, Mr. Purkey. Do I have a
5 second?

6 MR. LOWERY: Second.

7 MR. PORTER: Any discussion? Hearing none. All
8 in favor say "aye". All opposed like sign. Motion
9 carries. Next item.

10 MR. HAYNES: At this time we have in your
11 packets for consideration a policy requiring all emergency
12 communications districts to provide the board -- this board
13 with the names and addresses of current ECD board members and
14 notice of changes in the membership of the district boards.

15 Mr. Chairman, we feel like that given that the
16 local emergency communications district is the public body,
17 they gave a statute to people who are so-called experts on
18 E-911 issues, and how we're supposed to have the natural
19 oversight of those.

20 It's kind of tough in really carrying out this
21 board's statutory obligations when you don't know who you're
22 local people are. And we have asked for it.

23 In the majority of the cases we've -- the
24 district and the district directors have been fully
25 cooperative with us, but we have some out there that either

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1 just are reluctant to do this for whatever reason.

2 And specifically what we're asking is that we're
3 asking you to adopt a policy that will require the local 9-1-1
4 districts to provide us a complete listing of the board
5 members, the terms, if they will put those on there, the
6 contact information. And I don't mean the district facility.

7 I mean, how to get these people at home if you
8 have some wrong doing going on or whatever and you need to
9 contact members of the govern's board. And also let us know
10 when vacancies occur and when people are changing on the local
11 9-1-1 board.

12 MR. PORTER: Okay. You heard Anthony's request.
13 Any motions?

14 MR. RICH: I move we go ahead and do
15 that -- that's supported in -- I would say that to provide the
16 board --

17 MR. PORTER: Do I have a second?

18 MR. BILBREY: Second.

19 MR. PORTER: Motion is second that the board
20 adopts a policy requiring the local ECDs to provide the names
21 of their board members, addresses, terms and vacancies to the
22 state office. On an annual basis?

23 MR. HAYNES: As the assess was to occur.

24 MR. PORTER: Any discussion? Hearing none. All
25 in favor say "aye". All opposed like sign. Motion

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1 carried. Next item.

2 MR. HAYNES: The next item, Mr. Chairman, is
3 that we would ask that you direct the staff to prepare
4 procedural rules in proceedings for rulemaking in response to
5 a growing number of request by cities and county governing
6 bodies to review the decisions of local district boards.

7 We do have a matter before us today on this very
8 thing. And given that this is the second time that the
9 statute has been used, the right of both city or county unit
10 government, to ask the state 9-1-1 board to, for lack of a
11 better term, putting a second guess of a decision made by a
12 local 9-1-1 district.

13 It is the legal counsels -- the general counsels
14 opinion -- and I tend to concur fully -- that we need some
15 sort of formalized rules in proceedings to and ensure that all
16 parties, districts as well as government officials, are
17 treated fairly and equably from time to time, year to year,
18 however instances these may occur.

19 And that general counsel believes that these
20 procedures, if you were to adopt them -- our director to adopt
21 and later were adopted -- that they be put through the
22 rulemaking process so that they would be enforceable by law.

23 MR. PURKEY: So move, Mr. Chairman.

24 MR. PORTER: The motion has been first. Do I
25 have a second?

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1 MS. MOODY: Second.

2 MR. PORTER: Second by Ms. Moody.

3 MS. MOODY: And I have a question.

4 MR. PORTER: Okay.

5 MS. MOODY: I would assume then that you're
6 planning to bring those procedural rules back at the next
7 board meeting for adoption?

8 MR. PORTER: Do we have two board meetings?

9 MR. HAYNES: No. Actually, Ms. Moody, I say
10 that simply because we might like -- if we were to meet in
11 March I would like for legal counsel to have just a little bit
12 more than about six to eight weeks to be able to do an
13 exhausted analysis legally in how this should be done based on
14 regulatory bodies, courts, et cetera.

15 MS. MOODY: Okay.

16 MR. PORTER: So it could come in at the next
17 board meeting or the one after that, depends on how Lynn's
18 load goes.

19 MS. QUESTELL: Yes, sir. That would be great.

20 MR. HAYNES: I think we just want to make sure
21 that what is adopted by this board is right. Because once we
22 start into the rulemaking process counsel tells me that that
23 could take well into a year or more.

24 So it will be something we don't want to readily
25 go back on. I'm interested in cleaning up -- doing some

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1 housekeeping.

2 MR. PORTER: Any other discussion? Hearing
3 none. All in favor say "aye". All opposed like sign. Motion
4 carried. Next item.

5 MR. HAYNES: Mr. Chairman, item number five is
6 to adopt a proposed annual budget required by Tennessee Code
7 Annotated 786306A5. This is something that in the past what
8 we tend to do was work with the department -- the department
9 through the process.

10 But I just -- as you had adopted at the last
11 meeting the staff's recommendations, I think it's a better
12 idea that the board adopt its own budget and submit it
13 accordingly.

14 So what we have done is included the 03/04
15 budget, which we're already half into, but it is the budget
16 for this year. It is the budget not only adopted by -- or
17 included in the department's proposal, but okayed by the
18 Governor. And it's pretty much the same process that's been
19 done in the past.

20 I work with the chief fiscal officer of this
21 department. We pretty much by statute of appropriations as
22 well as authorizations, have the ability to control our own
23 funds.

24 Although the Department of FNA failed to make so
25 many of those funds available. But, nonetheless, that budget

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1 is no surprise. There's nothing new. It's just a matter of
2 proving it to be in full compliance by statute.

3 MR. PURKEY: So moved.

4 MR. PORTER: I have a motion. Do I have a
5 second?

6 MR. BILBREY: Second.

7 MR. PORTER: Motion second that we approve the
8 budget as presented by Anthony to be going to the
9 commissioner. Any discussion? Hearing none. All in favor say
10 "aye". All opposed like sign. Motion carried.

11 MR. HAYNES: Next item, Mr. Chairman, is
12 consider special assistance for Dickson County regarding Phase
13 II readiness. Dickson County wound up having to have some
14 customer equipment modifications in order to be able to
15 proceed and display the Phase II data.

16 We -- the board had a precedent of assisting
17 tier three ECDs it had with Weakley County -- and Weakley
18 County for the sum of about \$9,000.

19 Dickson County costs are only going to be about
20 \$4,200. And I had offered to the Dickson County leadership
21 that I would ask the staff -- ask you to consider approving
22 the \$4,200 reimbursement for Phase II ready.

23 MR. LOWERY: So moved.

24 MR. PORTER: A motion by Mr. Lowery. Do I have
25 a second?

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1 MS. MOODY: Second.

2 MR. PORTER: Second, Ms. Moody. Everybody
3 understands that the board is passed in favor of reimbursement
4 for the district for the Phase II cost recovery. It's just
5 basically follow up with that. Any other discussion?

6 MR. HAYNES: Mr. Chairman, might I add just for
7 clarification, I -- because of the nature of Dickson County,
8 although it is in the Metropolitan statistical area of
9 Nashville, that can be a blessing, but it can also be a
10 disadvantage.

11 Particularly if you're a county like Dickson
12 County that is predominately rural -- very rural -- but also
13 lumped in statistically with the census data that shows that
14 you're part of the major metropolitan area.

15 And all your measures used by government state
16 and federal are skewed to make your economic picture look
17 better than what it actually is. So that's the only reason I
18 bring this before the board for consideration.

19 MR. PORTER: Any other discussions? Hearing
20 none. All in favor say "aye". All opposed like sign.
21 Motion carried.

22 MR. HAYNES: Item number seven,
23 Mr. Chairman, is to consider a policy for establishing a fixed
24 supervision period policy for financially distressed
25 districts.

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1 It really -- we noticed that we really needed to
2 address this issue when Don Johnson, an auditor, and I were
3 talking. His view of the world was when a district starts
4 paying its bills and it's back in the black, they're no longer
5 financially distressed.

6 But my view of the world was, well, what if
7 that's after you raised the fee and the whole thing is set up
8 to get the board to raise the fee.

9 So I think that if you -- if the board is ever
10 going to exercise its statutory authority to potentially
11 supervise the operations of a financially distressed district,
12 that it ought to be for some fixed period of time that permits
13 the board not only to ensure that the steps that have gotten
14 the district in a bad financial standing, like we occur.

15 And I think that a fair policy on that would be
16 that once the state board determines an ECD to be financially
17 distressed that there be a minimum of two consecutive years of
18 positive cash flow before the board steps away and
19 relinquishes its supervisory powers and authorities that's
20 provided for a state law.

21 MR. PORTER: You heard the request of the
22 director. We're setting a two year period on financially
23 distressed districts that they stay under our supervision
24 after they go into the black for two years.

25 MR. HAYNES: Mr. Chairman, the staff is asking

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1 for a consecutive two years in the black, whether that's over
2 a ten-year period or a two-year period. Two consecutive
3 fiscal years with a positive cash flow.

4 MR. PORTER: Do I hear a motion?

5 MR. BILBREY: So moved.

6 MR. PORTER: Mr. Bilbrey. Do I have a second?
7 Charles had made a motion. I need a second.

8 MR. PURKEY: Second.

9 MS. MOODY: Question.

10 MR. PORTER: Yes, Ms. Moody.

11 MS. MOODY: When you talk about supervision are
12 you only talking about from a financial standpoint or are you
13 looking at anything operational as it relates to finances?

14 MR. HAYNES: Counsel, correct me if I'm wrong,
15 but my understanding would be that that would be determined --
16 to agree to involvement of how supervision is defined, would
17 determined by this board.

18 Unless general counsel were able to define a
19 precedent set somewhere in a case law or administrative
20 decisions that defined it -- or maybe defines it some other
21 way.

22 MS. QUESTELL: Ms. Moody, what I would ask in
23 response to your question is to let me look at the law and let
24 us operate with full intent of the law. I don't have the law
25 that responds -- that Anthony is talking about in my memory.

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1 As we're going through here I will find it and
2 look it up. But I need a few moments to just make sure. If
3 you'll give me a second.

4 MS. MOODY: That's fine. I just -- you know,
5 when we were doing this I thought, well, you know, just how
6 detailed and to what extent is this role -- of course,
7 Under -- with the staff's responsibility is going to be under
8 that supervision --

9 MR. PORTER: Well, as it stands now we already
10 have that supervision, but it was depending on whose thoughts
11 it was. Was it Don's or Anthony's or mine. We all had
12 different opinions as to how long we could stay in control of
13 that local ECD.

14 Don's opinion was that once they went into the
15 black it was an automatic thing that they became an
16 undistressed district. And then we didn't know what's on
17 those month-to-month basis based on how their finances were
18 going.

19 He thought that -- and he's out of a district
20 that was financially distressed for three years and we give
21 them a rate increase request. The next six months all of a
22 sudden they're in the black they still could have -- still
23 have problems, even though they're showing in the black.

24 So this gives a full two-year period there that
25 they've got to show us that they're doing things right before

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1 we say, okay. We'll cut the cord and get back on its own.

2 MS. QUESTELL: If I may respond. I'm going to
3 read the part of the statute that shows what the board's
4 authority is. After reviewing the financial -- this is after
5 a local board is found to be financially distressed.

6 After reviewing the financial statements and
7 operations of any financially distressed emergency
8 communications district, and after holding a public hearing
9 within such district's service area, the board may prescribe
10 a rate structure up to the maximum established pursuant to
11 TCA7-86-108A2A, to be adopted by the district, as may be
12 necessary to cause the district to liquidate in an orderly
13 fashion any retained earnings deficits, to cure a default on
14 any indebtedness of the district, and/or to remedy the failure
15 of the district to produce revenues sufficient to provide for
16 all expenses and maintenance of the district, including
17 reserves.

18 If the board of an emergency communications
19 district fails to adopt the prescribed rate structure, that
20 the board has told them to adopt, then we can take them to
21 chancery court.

22 So an answer to your question that it would be
23 financial supervision within the meaning of what I just read
24 to you.

25 MR. PORTER: Any other questions or discussions?

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1 Hearing none. All in favor say "aye". All opposed like
2 sign. Motion carried. Next item.

3 MR. HAYNES: Next item, Mr. Chairman, deals
4 with -- we would like the staff's blessing -- I guess we --
5 particularly we just wanted to ask you to direct us to explore
6 the financial requirements that would be necessary for the
7 office of information resources -- we weren't told that --
8 we've worked with them in the past to compile, standardize and
9 exchange GIS mapping data for E-911 purposes that was made
10 through the states.

11 This grew out of last fall when my counterpart,
12 John Patterson, (phonetic) and I were on the same panel here
13 in Nashville speaking to co-ops.

14 And we got to talking about our various states
15 GIS mapping efforts and E-911 misrouted wireless calls. And
16 we got to talking about what a great thing it would be that if
17 all the counties would share in, not only the Tennessee
18 Kentucky border, but maybe even expand that to other states
19 around us.

20 That if we had their GIS mapping data to the
21 point that when a misrouted 9-1-1 call comes into from
22 Kentucky to Clarksville it shows up on a Kentucky map and
23 automatically, without wasting time, the dispatcher can send
24 it right back up there and vice versa.

25 So we thought that as much as GIS mapping

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1 would help Tennessee PSAPs do their job, it would equally help
2 those calls that make it across the state line that should be
3 responded to in that respective state to get back more quickly
4 where it needed to be.

5 And the way we would do this would be is I would
6 propose to do some form of interstate agreement of where we
7 would agree that our data would be done the same way.

8 We would make sure that it was compatible and we
9 would share it. Doing that would require some financial
10 commitment to pull all of that together just like we're doing
11 in our state right now, but it wouldn't -- it shouldn't be as
12 much.

13 But, nonetheless, all I'm asking for today is
14 you to direct us, if you think it's worthwhile, to explore
15 what the costs would be to initiate such a project to share
16 all of the mapping data with the states around us.

17 MR. PORTER: This board, through its foresights
18 three years, is we're a GIS leader when it comes to the
19 nation. And the way that we have provided money out to our
20 districts to be able to participate in.

21 I hear so many places across the nation are
22 doing Phase II and they don't even have any kind of mapping to
23 be able to locate those calls. So for those counties that are
24 right around our border and around the state, it's a problem
25 of getting calls coming from other states.

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1 I think this would be a good idea to let Anthony
2 dig into it and find out what it would cost us to do.

3 MR. LOWERY: I make that motion. It would
4 greatly help us in Sullivan County and Bristol and Kingsport.

5 MR. PORTER: You see it a lot up there, don't
6 you?

7 MR. LOWERY: Oh, yeah.

8 MR. PORTER: I have a motion. Do I have a
9 second?

10 MS. MOODY: Second.

11 MR. PORTER: Second to Ms. Moody. Any
12 discussions? Hearing none. All in favor say "aye". All
13 opposed like sign. Motion carried. You're on a roll
14 Anthony.

15 MR. HAYNES: Last one, Mr. Chairman. We have
16 before you in your meeting packets a resolution that the staff
17 has drafted amending the congressional leadership in the
18 operating of the E-911 legislation.

19 We also have in that some of our concerns here
20 in Tennessee in 9-1-1. And also you and the TENA president,
21 Ray Shaffer (phonetic), has communicated to Senator Frist and
22 some of the Washington delegation, the staff would propose
23 that you adopt that resolution that provides us one more
24 document.

25 Documenting really the intent of what the

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1 members of this board are and some of the concerns that it has
2 with this legislation in Washington.

3 MR. PORTER: Everybody had a chance to see the
4 resolution? Can I hear a motion?

5 MS. MOODY: I move that it be approved and once
6 it's approved you want to get a staff of 9-1-1.

7 MR. PORTER: Okay. Have a motion. Do I have a
8 second?

9 MR. RICH: Second.

10 MR. PORTER: Motion second.

11 MS. MOODY: Okay. I 'd like to see once this
12 board approves this resolution that then a cover letter with
13 the resolution be sent to each one of our representatives in
14 Congress, both in the House and the Senate.

15 And then I'd also like to see that we send them
16 to their field representatives across the state in their major
17 offices a cover letter with the resolution.

18 I think based on some of the information that I
19 have and talking with people, it appears as if there is not as
20 much communication we might say amongst some of those folks as
21 there needs to be.

22 And I think the broader dissemination we can
23 have on this kind of a resolution the better off we'll
24 be. And those are my thoughts.

25 MR. PORTER: Does any of the other board members

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1 have a comment? Everybody in agreement? Any other
2 discussion? All in favor say "aye". All opposed like
3 sign. Motion carried.

4 MR. HAYNES: The staff appreciates the support,
5 Mr. Chairman.

6 MR. PORTER: You did a good job, Anthony. Thank
7 you. A lot of business conducted there in a short time. Next
8 item on the agenda will be the request from the Mountain City
9 to hear the -- review the action by the Johnson County ECD.

10 Would the parties representing Johnson County
11 and Mountain City come forward?

12 MR. BURNISTON: I'm Mayor Burniston. I have the
13 vice mayor and our attorney, George Wright (phonetic), and the
14 chairman of the ECD as well the director.

15 MR. PORTER: For the record, would each one you
16 state your name and your positions individually and talk into
17 the microphone, if you would.

18 And there's a podium mic for whoever is going
19 to -- you can use either one. We just need to make sure you
20 sit closely to the mic.

21 MR. BURNISTON: Okay. I'm Mayor Harvey
22 Burniston with the town of Mountain City.

23 MR. MORRISON: Bob Morrison, Vice Mayor of the
24 town of Mountain City.

25 MR. WRIGHT: George Wright, city attorney for

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1 the town of Mountain City.

2 MR. STEWART: I'm Randy Stewart. I'm the
3 Chairman of the Johnson County 9-1-1 board.

4 MR. CAMPBELL: I'm Eugene Campbell, the director
5 of Johnson County 9-1-1.

6 MR. PORTER: Okay. Have we got enough chairs
7 there for everyone to have a seat? We have a -- the board
8 members, I think, have already had time to review this.

9 I have a request from Mountain City that we
10 review action taken by the Johnson County ECD to this year's
11 budget and dispatching for Mountain City. The way we're going
12 to do this is that each party I'll give 15 minutes.

13 You can give opening statement and present any
14 facts or data that you might have that you want to give to the
15 board, whether that be in a presentation or in a hard copy.

16 After each party has their time to give a 15
17 minute presentation we'll take questions for the board members
18 during -- in-between those presentations after we've had a
19 chance to hear from both parties. And then we'll give about
20 five minutes for each party for any rebuttal that you might
21 have to something that might have been said by the other
22 parties.

23 And then after that fact the board will decide
24 how the board wishes to move forward then. I'd like to
25 caution each of you-all that, you know, everyone is going to

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1 have a chance to say what you want us to hear and rebut any
2 questions or comments that they have then.

3 We're going to do this in a very professional
4 manner, kind of like they do in a court system. And we won't
5 have any outburst or arguments amongst the parties. That
6 won't be tolerated by the board.

7 I think the first -- since the request has come
8 from Mountain City, that we let Mountain City have the first
9 15 minutes. Who's going to speak for them? You want to come
10 up to the podium there and --

11 MR. WRIGHT: My name is George Wright. I'm the
12 city attorney for the town of Mountain City.

13 MR. PORTER: Okay.

14 MR. WRIGHT: Briefly, we had previously
15 submitted our position papers requested by counsel. To that I
16 received a copy of the response from the 9-1-1 board, but I
17 received that from your counsel.

18 Subsequent, the evening before last I received
19 another facts and response -- or a position paper from 9-1-1.
20 I do not know if that's been filed with your board or faxed.

21 MS. QUESTELL: Yes. It has been filed with the
22 board.

23 MR. WRIGHT: Due to the lack of time that we
24 received that, our city recorder has drafted a very brief
25 written response to each one of those items and the -- what we

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1 might call the amended position paper.

2 And I don't know if I can file this with you-all
3 or simply review it.

4 MS. QUESTELL: Did you make copies for each of
5 the board members?

6 MR. WRIGHT: I made nine copies. I did not know
7 how many board members there were.

8 MS. QUESTELL: Well, I think it should be faxed,
9 but it would also probably be helpful if you pass it out to
10 the room. I think this is the one to add to the record.

11 (Document(s) tendered to board.)

12 MR. WRIGHT:: Okay. The mess is the reason
13 we're here today. Prior to I guess this year in the budget
14 the town of Mountain City, the 9-1-1 board and Johnson County
15 Tennessee really had kind of a verbal understanding --
16 misunderstanding, what have you -- as to how the board was to
17 be funded.

18 Specifically, how the under funding from the
19 surcharges on the telephone lines would be handled. The town
20 had previously paid approximately one-half of the under funded
21 and the county had paid whatever -- a lesser amount.

22 The board, I understand it, had their on
23 facilities. They provided dispatch for the town of Mountain
24 City and its services. They provided unlimited dispatch, I'm
25 told, to the county.

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1 This year the county, through a bond issue, has
2 built a new jail. Prior to that the county declined to have
3 its dispatchers -- they wanted to keep their own dispatchers.

4 They declined to fund anything with 9-1-1 to
5 that effect because the sheriff wanted his own dispatchers for
6 whatever reason, which he certainly has a right to do.

7 But as part of the bond issue of the jail, the
8 9-1-1 board was approached by county and said if you will move
9 your dispatching operations to the jail, then we'll give you
10 some money for some new equipment, which I believe is around
11 \$200,000.

12 We will start funding our half of what, you
13 know, we should have been funding or our half of the under
14 funded obligation and we will give you a place to -- you know,
15 a place to set up. At that point in time the 9-1-1 board was
16 not providing all of these services for the county.

17 The county through statements of the board
18 members -- their board members, county commissioners that were
19 also on the 9-1-1 board, which I believe is kind of against
20 federal policy, but that's not really an issue to be brought
21 up here.

22 They said they would be saving approximately
23 \$95,000 to -- \$94,000 to \$95,000 per year on dispatchers that
24 they would no longer have to hire. And they acknowledged
25 this.

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1 At this point the 9-1-1 board came to the city
2 council and said, okay, we want \$84,000 roughly is what they
3 requested. The city council voted that they did not feel this
4 was fair since now they were providing services for the
5 county.

6 They were getting more money from the
7 county. And that there really should be based on a percentage
8 or a prorata basis. You know, the city population versus
9 county population.

10 I believe that prior to that that there had been
11 probably more city calls handled by 9-1-1 than county calls
12 because the county sheriff had his own dispatchers; now that's
13 no longer the case.

14 And when they opened the new jail then that will
15 probably reversed and there will be a greater amount of calls
16 for the county. The city council felt like based upon the
17 ratio of the population, that the sum of \$25,000 was offered
18 to the 9-1-1 board.

19 As the city shared the other funding the budget,
20 the 9-1-1 declined this and then subsequently notified the
21 city that in various stages the 9-1-1 service would be
22 discontinued and the city would no longer have any 9-1-1
23 services.

24 That is a specific act that we are here to ask
25 this board to help us address. I think if that stands as it

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1 is now, I don't believe that the city, I suppose, would go
2 back to hiring its own dispatchers.

3 The 9-1-1 board, I don't believe, would be
4 entitled to the surcharge on their city telephone bill, which
5 would be a loss of revenue to them.

6 And it might get to the point where the city
7 might be compelled to come before this board and ask you-all
8 to approve a district within a district, which would be a very
9 great duplication expense, is not necessary.

10 And their response -- the 9-1-1 board has
11 pointed out that -- in their amended response -- that the
12 county has given them \$200,000 for this new equipment. This
13 \$200,000 was money left over from a bond issue that built the
14 new jail.

15 Bond issue that will be paid back by tax payers.
16 They refer to a grant that the county obtained. And well,
17 that's well and good, but I don't think that should be
18 considered a contribution from the county because it's not
19 being paid back.

20 I think that one of the main points that the
21 city council keeps trying to make is that every city
22 residences are also county tax payers. So that
23 we -- our county taxes that we pay, whatever proportion of
24 that goes, is going to pay part of the 9-1-1.

25 Our city taxes, whatever proportion of that is,

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1 goes to pay the under funded balance of the 9-1-1. And our
2 telephone surcharge is -- go to the 9-1-1.

3 So in essence what we attempted to do was to
4 reach an agreement for a more fair equitable funding of the
5 city's part of the under funded needs of the 9-1-1 board.

6 And I think there was a committee appointed, two
7 people for the county, two for the 9-1-1 board and two for the
8 city. They met several times and really didn't get very far
9 and that's why we've filed this petition to have this action
10 reviewed.

11 Again, if it stands the way it is now, as of
12 tomorrow I believe, they've told us that no more services. If
13 that's the case, then we would certainly, as of tomorrow, the
14 citizens of Mountain City don't have a surcharge taken off
15 their phone.

16 I don't think their entitled to keep it. We
17 would hope to reach some sort of agreement with them on a fair
18 funding basis based on the ratio of the population. Now, I
19 understand that several other counties and cities in the state
20 handle their funding that way.

21 You know, in a proportion or a prorata basis
22 bases on population -- or that's one of the major
23 factors. But at any rate, that's the -- that's why the town
24 is here today.

25 MR. PORTER: If there's questions from the board

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1 dispatch and have received a total amount of \$42,021.50. As
2 of the same date we have received \$25,000 from the town of
3 Mountain City; and all 197 days was for a direct dispatcher,
4 which also includes the water department and public works.

5 Down below that you will see a year amount as
6 being received from the county versus the city. The 1997-1998
7 was a grant that was applied by the county for the equipment
8 that was -- the first equipment for 9-1-1.

9 In '98 and '99 as in totals for the county, we
10 was going the relay method. For the city we was going direct
11 dispatching. And down in the bottom you can see the total
12 monies that we received, including some grants, since 1997.

13 On Page 6, one of the responses of the city,
14 that the Johnson County rescue squads does not pay any for
15 dispatching. Here's a letter from their treasurer stating
16 that prior to 9-1-1 that decision -- that was the squad's
17 dispatcher at no cost at all and also give a yearly
18 contribution of \$15,000.

19 On Page 10, in the highlighted area, it shows
20 that the amount that we've asked for the city comes out to
21 \$9.58 per hour. I'm handling the dispatchers; that's their
22 salary and their insurance and their retirement.

23 The city said they can do it for \$25,000.
24 That's \$2.85 an hour. On Page 11, the highlighted area,
25 Mr. Kevin Parsons made the statement, which is also on the

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1 city council, that the city is obligated to pay for
2 dispatchers with benefits like they had from for the
3 beginning.

4 Page 12, it shows where there was an agreement
5 in the beginning that the city and county would fund 9-1-1
6 equally. And on down the other highlighted area it shows
7 where if 9-1-1 decides to move that the city may cut our
8 funding.

9 On Page 15 Mr. Paul Gobble from the city council
10 member who raises the issue about funding the 9-1-1, saying
11 had they not decided to move, we probably would not have
12 continued -- we probably would have continued the \$84,000.

13 With that statement there it shows that it's not
14 a ratio thing between the city and county population, that
15 that was -- the city did not like 9-1-1 moving into a new
16 facility.

17 So since we moved into the new facility, to get
18 back at us, they cut our funding. Page 17 is our new
19 building. On page 18 it shows the new set up that we have,
20 our new equipment. We've went to a monitor on the CMLs.

21 Also have out new magnum set up. Page 19,
22 picture 3D shows that not anyone can get into dispatch. That
23 we have a secured location compared to what we had before,
24 which is shown on Page 20.

25 Page 20, 4D is the door into 9-1-1 that was --

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1 could easily have been kicked in. 4A, the window right at our
2 dispatchers with no protection at all.

3 4C, which didn't copy clearly, shows the
4 condition of some of our old buildings and how a lot of
5 repairs needed to be made. On Page 21 is TCA786107 shows
6 where the board of directors can pick either direct dispatch
7 method, relay method or the transfer method.

8 For \$25,000 my board feels that the number
9 one -- the direct dispatch method, that \$25,000 will not cover
10 it. As far as for the relay method, the \$25,000, that's not
11 been discussed.

12 In the earlier statement by Mr. Wright where the
13 statement had been made that the county would be paid \$96,000.
14 That was the money that it cost them for their dispatchers.

15 Their dispatchers are now called work clerks and
16 receptionist. So this money -- the county is still paying
17 this money out, but the job title has changed.

18 In one of the statements made by the city shows
19 that the city was cut \$50,000 by the state. They cut 9-1-1
20 \$59,000 plus other organizations because of the \$50,000 cut.

21 So the 9-1-1 board feels that this whole ordeal
22 started with our move to the new jail, which we received new
23 equipment that the city is getting use of. But they would
24 rather us stayed at the old location.

25 MR. PORTER: You talked about those county/city

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1 taxes are being put -- are you talking about the county/city
2 sheriff sales tax from the state, is that what you're talking
3 about?

4 MR. CAMPBELL: Per their statement,
5 it's -- they responded -- the state cut the city \$50,000.
6 They probably could answer where the cut was from.

7 MR. PORTER: Okay.

8 MR. CAMPBELL: The chairman of my board would
9 like to speak at this time.

10 MR. PORTER: You've got about five
11 more minutes.

12 MR. STEWART: General comment. First of all,
13 I'm Randy Stewart. I'm the chairman of the 9-1-1 board in
14 Johnson County. And I just want to thank you-all for taking
15 this opportunity at this time to hear our dispute.

16 I apologize that we could not settle this. You
17 know, it's kind of a shame that we have to come down here to
18 settle our dispute in Nashville. We should be settling this
19 in Johnson County and Mountain City.

20 But with that said, let me -- let me just kind
21 of bring you-all up-to-date. All right. When 9-1-1 was
22 started in Johnson County the existing mayor and the existing
23 county executive and the existing sheriff, they all agreed
24 that the city would pay half for 9-1-1.

25 That -- well, the city would pay for four

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1 dispatchers, the county would pay for four dispatchers. Then
2 the money that we get from the telephones would be used for
3 the director, the equipment, maintenance, light bills, so
4 forth. Okay.

5 As time went on where 9-1-1 got started we had a
6 change in the sheriff's department. That sheriff was no
7 longer the sheriff. We had a new sheriff. All right. The
8 new sheriff would not turn his dispatching over to 9-1-1.

9 He refused to give up his county dispatchers.
10 Okay. Well, the -- naturally this caused some problems. I
11 think the county court tried to, you know, force him by
12 cutting his budget.

13 I think he turned around and sued the county
14 court and they couldn't force him to do away with his
15 dispatchers. The sheriff, you know, he had his own agenda.
16 The 9-1-1 board or nobody else really could tell him what to
17 do.

18 The county court didn't tell him what to do.
19 Okay. And this went on. 9-1-1 did the dispatching for the
20 city. They dispatched their police department, and as Eugene
21 said, we dispatched their water department.

22 And we're a small town, small county. So we
23 probably had two dispatchers on duty; one to do the county
24 dispatching and one to do the city dispatching. Okay.
25 The -- we did the dispatching for the city.

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1 We did the police department, the water
2 department, the animal control officer and we also, naturally,
3 we did the unit EMS dispatching. And for the county -- and
4 also the city fire department -- but for county all we did was
5 the EMS and the fire departments because we did not do the
6 dispatching for Sheriff's department.

7 Well, this went on for five or six years. Well,
8 we had this opportunity -- Johnson County was building a new
9 jail. All right. We finally worked it out with the sheriff,
10 if we would move to the new jail we would do the sheriff's
11 dispatch.

12 We didn't have any money for new equipment. The
13 county said we will buy new equipment for 9-1-1. They could
14 not buy new equipment for 9-1-1 and give it to us, but they
15 could buy it and lease it to us. And that's what they did.

16 They bought new equipment and they leased it to
17 us for \$1 a year -- the equipment and the space. And now, we
18 are being able to do the sheriff's dispatching and we're doing
19 all the dispatching in the county.

20 And of course, this all -- this dispute started
21 when we wanted to move to the new jail. That's where the
22 dispute started at. And that's where we're at. And if I
23 could answer any questions I'll do my best. Thank you-all.

24 MR. PORTER: Questions from the board members
25 for the Johnson County folks?

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1 chairman. I -- you know, basically I work for the electric
2 co-op. You know, I'm not a -- I'm not an attorney and I'm not
3 of a professional 9-1-1 person.

4 MS. MOODY: So you're a citizen working for an
5 electrical co-op?

6 MR. STEWART: Yes.

7 MS. MOODY: Tell me the others.

8 MR. STEWART: Okay. We have two county
9 commissioners who are on the 9-1-1 board. The of mayor
10 Mountain City is on the 9-1-1 board. An alderman from the
11 town of Mountain City is on the 9-1-1 board. And two
12 members --

13 MS. MOODY: And who -- one alderman?

14 MR. STEWART: One alderman and the mayor.

15 MS. MOODY: Okay. Who else?

16 MR. STEWART: Two members of the rescue squad
17 and another citizen that has worked at the post office.

18 MS. MOODY: The sheriff is not on the board?

19 MR. STEWART: No, ma'am. At one time the old
20 sheriff was. This board was appointed two years ago. This is
21 not the very first board of 9-1-1. This is a new board that
22 was appointed by the county commissioners two years ago.

23 MS. MOODY: Do you have the same sheriff now
24 that you had back at the time when you first started?

25 MR. STEWART: No, ma'am. We've went through two

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1 sheriffs -- three sheriffs.

2 MS. MOODY: That's all I have for right now.

3 MR. LOWERY: Had the terms of the 9-1-1 board
4 members expired that were taken off or whatever?

5 MR. STEWART: Well, when 9-1-1 started we
6 had -- it was started that the county -- the mayor was on
7 it. The police chief was on it. The sheriff was on it. The
8 fire chief of the town of Mountain City was on it. Some
9 members of the rescue squad were on it.

10 And basically we had just some problems. A lot
11 of people wanted off of it. And the county court appointed a
12 new board. Was it January two years ago or December -- that
13 would have been December what -- 2001 --

14 MR. LOWRY: On your resolution when the district
15 was voted in by the voters, did the county commission specify
16 who the board members would be?

17 MR. STEWART: Yes.

18 MR. PORTER: Other questions?

19 MS. MOODY: In your interagency agreements do
20 you not have some stipulation as to the kinds of persons that
21 will be on the board, such as police chief, fire chief, any of
22 those kinds of things?

23 MR. STEWART: I do not think so.

24 I think we're the -- if I'm correct --

25 MR. PORTER: Do you have interagency agreements?

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1 Do you have agreements between the police department and the
2 fire department and the 9-1-1 board or the city and the 9-1-1
3 board? Do you have any of those agreements?

4 MR. STEWART: No, we don't. But if I understand
5 it right, the county under the population of 30,000 -- and
6 Johnson County's population is around 17,000-something -- it
7 is up to the county mayor to appoint -- of course, the county
8 commissioners have to approve it -- that he will nominate
9 certain people on the 9-1-1 board and then the county court.

10 MR. PORTER: Other questions?

11 MS. MOODY: Could I ask somebody from the city,
12 I guess, the attorney -- why did you not want the office to
13 move to the jail?

14 MR. WRIGHT: Well, I was asked the question of
15 whether we wanted to move to the jail or not. The situation
16 of the 9-1-1 board changed. It wasn't where Johnson County
17 was now funding to pay their share of the under funded
18 obligation because they were getting the services there.

19 Before they declined to participate in the
20 services. They wanted to keep their own dispatchers and do
21 their own thing. As an inducement to get the 9-1-1 board to
22 move there this meant that they no longer had to have the four
23 dispatchers.

24 Now, with that statement here that, well, now
25 they're warrant clerks. Now, in this new jail the Sheriff's

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1 department is going to have to hire another 15 to 20 people
2 just because it's a new jail that's a lot bigger than the old
3 jail. If 9-1-1 did not go there they would still have to hire
4 the same number of people and they would still have their
5 dispatchers.

6 That's why the county commissioners, members of
7 the 9-1-1 board, when they were reflecting all these things
8 everybody recognized the county will receive a \$96,000 --
9 \$94,000 -- \$93,000 savings by virtue of their moving to the
10 jail since the sheriff will no longer have his
11 dispatchers.

12 So whether the physical dispatchers are now
13 called something else, their positions are eliminated, their
14 value is eliminated. Yes, they're going to have to hire a
15 bunch more people in that jail because it's a bigger jail.
16 It's a new facility.

17 But the situation changed. If 9-1-1 had stayed
18 where they are, had not gotten an agreement with the sheriff,
19 had not gotten additional funds from the county, and being in
20 the same situation they were where they don't provide services
21 to the county and they're not getting money from county, then
22 the town probably would have continued funding up to that
23 level.

24 But now the situation has changed to the point
25 where we feel that it would be far more equitable that an

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1 agreement be reached on funding, since the county is now doing
2 their part based on the ratio of the population.

3 The number of calls prior to 9-1-1 taking over
4 full dispatch for the county, certainly there are more. 690
5 more I believe that's what the figure was. That's not going
6 to be the case now.

7 Next year you're going to probably see a lot
8 more calls in the county because 9-1-1 is now dispatching for
9 the county. The amounts received that they brought up, again,
10 this includes a grant that the applied for.

11 The money for the new equipment that the county
12 has purchased and leased to 9-1-1, that is \$200,000 that
13 represents the money left over out of the bond issues to build
14 the jail. That's where that money came from.

15 That money will be paid back by the tax payers,
16 county and city. So that's -- I don't think that's something
17 that should be considered as a contribution from a general
18 funded account.

19 Whereas the city's contribution comes from the
20 general funds that our property tax pays. The \$25,000, that
21 was our first offer to 9-1-1 and it was rejected. We received
22 no counteroffer.

23 We received no, well, let's talk about this.
24 Let's analyze this and see if we're all -- and we'll catch
25 you-all. And that's why we're here.

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1 MS. MOODY: Are you saying -- I'm looking at
2 this booklet that was given on Page 5 -- are you saying this
3 2003-2004 year -- the \$200,000 almost \$242,000, is for the
4 equipment which was the bond issues?

5 MR. STEWART: Yes, ma'am.

6 MS. MOODY: So in essence you're saying that
7 from an operational standpoint, over \$42,000 was appropriated
8 from the county?

9 MR. STEWART: Yes. I believe that's what
10 Mr. Campbell indicated in his presentation that they received
11 around \$2,000 -- or \$40,000 something from the county and
12 \$25,000 from the city, which is what we paid in.

13 In essence we paid to give us more or less a
14 continuing service while we were trying to negotiate and reach
15 an agreement.

16 MR. PORTER: Are those total amounts or is that
17 just what you've received so far?

18 MR. CAMPBELL: This is what we have received so
19 far.

20 MR. PORTER: Okay. So from this budget here --
21 from July 1st that is coming to you the 30th. How much money
22 is supposed to come in from the county? How much do you
23 expect to receive from the county on this budget year?

24 MR. CAMPBELL: This budget year
25 including --

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1 MR. PORTER: Forget the grant,
2 just operational.

3 MR. CAMPBELL: Operational. \$84,043 for the
4 whole year and we have received half of that.

5 MS. MOODY: Now, that's county money?

6 MR. CAMPBELL: For county, yes.

7 MS. MOODY: For operations?

8 MR. CAMPBELL: For operations to pay employees.

9 MS. MOODY: For your budget for the 2003-2004
10 year -- and let's speak only of operations, forget about any
11 capital equipment -- what's your total budget?

12 MR. CAMPBELL: The total budget was \$304,297.01.
13 \$168,086 of that was for payroll salaries.

14 MS. MOODY: All right. Let's look at revenue.
15 All of that \$304,000, how much of -- that does include your
16 sur tax from the telephone?

17 MR. CAMPBELL: Yes, ma'am.

18 MS. MOODY: How much of that -- where is your
19 revenue page?

20 MR. CAMPBELL: On Page 7.

21 MR. PORTER: Is everybody following us? We're
22 on Page 7 showing the board's revenues. So by looking at
23 these revenue numbers you basically had the -- you were
24 expecting the county and the city to pay the same amount. Is
25 that right?

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1 MR. CAMPBELL: Yes. With -- like I said, that
2 was my money from any -- which Mr. Burniston involves our
3 lawyer and we come up with this figure.

4 And the city was the first to give us the
5 \$84,043. And after he give it to us, a couple of months later
6 we were notified that they changed their mind and was not
7 going to give us the \$84,043; they were just going to give us
8 the \$25,000.

9 MS. MOODY: Why did you change your mind?

10 MR. WRIGHT: That's because of the move to the
11 jail. It was changing the situation that now they have more
12 funding because they were providing services to Johnson County
13 and their financial situation changed.

14 We agreed it was probably a good time to start
15 looking at it because of the half and half and a more fair
16 prorata basis.

17 MR. PORTER: Why didn't you consider the
18 population instead of call volume? Why don't you think the
19 population would be more fair?

20 MR. WRIGHT: Probably the call volume, once
21 one's established under the new system, that would probably be
22 just as a fair way of doing it as well. Except for the point
23 that the city residents pay county taxes and part of that goes
24 to 9-1-1.

25 The city residents pay city taxes and part of

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1 that goes to fund 9-1-1. City residents pay the phone
2 surcharge; I'm sure everyone else does too.

3 MR. PORTER: City residents choose to live in
4 the city.

5 MR. WRIGHT:: Sure. Choose to live in the city.

6 MR. PORTER: But you wouldn't be against if
7 there was a fair way to develop -- that was based on call
8 volume and not necessarily on population. That if Mountain
9 City is 50 percent of the calls that the dispatchers are
10 handling is coming from Mountain City and he's extending this
11 from the county, you don't have a problem with it being a fair
12 equity?

13 MR. WRIGHT: Yes. If that turns out to be the
14 case, but there's no way to tell if they'll experience that
15 just starting the first year for their dispatching. So in the
16 essence of that, would be for us is to base it more on the
17 population.

18 MR. LOWERY: Then what happened that -- where
19 was the breakdown that you guys quit talking to each other?
20 I'm asking though. That's a real question here.

21 MR. MORRISON: I'm the vice mayor for Mountain
22 City. Basically after a second letter that they -- he
23 informed us that if the total amount of money from
24 this -- we informed the committee they was meeting and they
25 were working on some of the problems to solve some of this.

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1 We were informed that their board was not going
2 to accept anything other than the 100 percent funding, so this
3 would be \$84,000 for the dispatchers. So there was no need to
4 continue.

5 MR. BILBREY: Is that a good -- good way to
6 phrase it? Is that what you guys said?

7 MR. STEWART: No. Let me bring you up to date.
8 All right. We had -- see first of all the city has said that
9 we're going to cut them off tomorrow. That's not true.

10 We gave them until January 31st. That was the
11 cutoff date. All right. We got in this dispute --

12 MR. PORTER: Wait a minute. Both of you are
13 shaking your heads that the 31st was --

14 MR. WRIGHT: We were told that at this
15 meeting -- unless we can resolve something at this meeting.

16 MR. CAMPBELL: I sent a letter to the city
17 recorder saying that the 31st would be the cutoff dates.
18 Due -- if tomorrow was the cutoff date it wouldn't give them
19 any time for any action so we give them till the 31st.

20 MR. PORTER: Did you provide that letter to the
21 board? Is that part of your documents?

22 MR. CAMPBELL: It was not provided to
23 the board.

24 MR. PORTER: I saw the documents. I thought I
25 saw was tomorrow, which is the 16th or 17th. So the board has

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1 given to the 31st?

2 MR. CAMPBELL: Yes.

3 MR. PORTER: Go ahead, Mr. Wright. I'm sorry.

4 MR. WRIGHT: Basically that's -- that's all of
5 the information.

6 MR. PURKEY: Mr. Chairman, could I ask a couple
7 of questions?

8 MR. PORTER: Yes, Mr. Purkey.

9 MR. PURKEY: Mr. Campbell, how many full-time
10 dispatchers do you have?

11 MR. CAMPBELL: At this time I have seven.

12 MR. PURKEY: And what is their approximate
13 salary with benefits for each one?

14 MR. CAMPBELL: Around -- benefits close to \$9.58
15 per hour.

16 MR. PURKEY: Well, per year?

17 MR. CAMPBELL: Per year. I don't have the
18 figure with me.

19 MR. PURKEY: Well, I mean I'm just trying to get
20 an idea of what a dispatcher cost. Let me move on. Is it
21 fair to say that the original agreement way back when -- and I
22 ask this question as a general question -- would be that the
23 city would provide four dispatchers and the county would
24 provide four?

25 MR. WRIGHT: It's hard to say because there was

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1 never anything in writing. I think as a general
2 understanding, I don't think anybody knew exactly what the
3 fund revenue would bring in, exactly what the budget would
4 be.

5 As a general understanding though I think the
6 city was going to fund some dispatchers -- four
7 dispatchers -- whatever it would take -- and the county was
8 going to fund four dispatchers. The county did not do that.

9 And mainly because the sheriff refused to give
10 us the dispatchers. So the county declined to do that,
11 probably because they wouldn't be paying for these dispatchers
12 out of funding from the budget anymore. But they never did do
13 that.

14 So that may have been the understanding, but it
15 was never carried out. And I think the one big problem is
16 there's very little in writing between the county, the city
17 and the 9-1-1 board from day one as to who stands where.

18 I think that's the big problem. Especially when
19 you have a change in administration with the county government
20 or city government. You know, one county executive might say,
21 yeah, I want to urge my commission to do that.

22 There's nothing there one way or the other in
23 writing to indicate what the agreement was.

24 MR. PURKEY: Mr. Campbell, is it fair to say
25 that the response times for the city police department and the

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1 fire department, if they have one, is it fair to say that that
2 is a better response time than for county agencies?

3 MR. CAMPBELL: Certainly.

4 MR. PURKEY: And the reason being that obviously
5 those residents live within the city?

6 MR. CAMPBELL: Yes.

7 MR. PURKEY: Mr. Wright, would you agree that
8 the city residents pay city taxes? Now, not the county wide
9 rate, but they pay those city taxes for better services?

10 MR. WRIGHT: We pay our city taxes for our
11 police department, for our garbage pick up, for general
12 government, of which the funding for 9-1-1 comes from general
13 government, I guess.

14 Our water and sewer are enterprise funds, which
15 are totally separate. That is because our water and sewer
16 lines extend outside of the county. In essence those are what
17 the city taxes cover.

18 MR. PURKEY: Okay. I think we're in agreement
19 on that then. But I guess I'm trying to differentiate between
20 the county wide property tax rate, which is paid by everyone,
21 and the extra city taxes that people pay for better city
22 services.

23 MR. WRIGHT: Yes, sir.

24 MR. PURKEY: Okay. And what I kind of hear you
25 saying is you have a problem or the city has a problem with

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1 taking those city taxes only and funding 9-1-1 because of the
2 county wide rates funding it also.

3 MR. WRIGHT: To an extent. Because in essence
4 we are paying twice; once as county residents and once as city
5 residents. So I'm not in the same proportion, of course.

6 But our part -- part of our city taxes go to
7 9-1-1. Part of our county taxes go to 9-1-1. So in a sense
8 we are paying twice. But we are paying taxes for other
9 services, the fire department, police department, garbage pick
10 up, general government, city attorney's salaries, et cetera.

11 MR. PURKEY: Mr. Chairman, just one more
12 question.

13 MR. PORTER: Go ahead.

14 MR. PURKEY: Is it a fair statement that if the
15 participation is not continued in the 9-1-1 center by the
16 city, that the city will have to hire four dispatchers at some
17 point? In other words, return back to pre 9-1-1?

18 MR. WRIGHT: We will have to do something. If
19 services are discontinued then, yes, we will have to --
20 whatever number of dispatchers we will have to have, yes, the
21 city would have to certainly choose to -- agree to do that.

22 So, yes, we would have to hire dispatchers back.
23 Probably get them back to the way we were doing it before.
24 Now, as an alternative to that -- is this is the absolute last
25 alternative that anybody -- I think that the city or the 9-1-1

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1 board would want to do -- is if they say, okay, we can't reach
2 an agreement, then we're not going to service.

3 We'll have -- we're no longer a part of that
4 district. At that point, depending upon the studying of
5 revenues -- the possibility or whatever -- we may come back to
6 this board and say would you-all approve that a 911 district
7 or an emergency communications district for the town of
8 Mountain City, which would be a district within a district.

9 We would still have -- make the same investment
10 on the equipment. We'll have the same note, but we would have
11 additional revenue from the phone bills, which is a good
12 percentage of the total revenue received by 9-1-1.

13 In fact, in the commercial funds -- there's not
14 anymore commercial funds in the town than there are outside of
15 the town. But that would be the last -- absolute last choice
16 that anybody wants to see.

17 MR. PURKEY: Well, I understand that would be a
18 different matter to be considered in the -- by the board and
19 the other parties. But it just seems to me that a situation
20 outside of the current system, whatever it is, is going to
21 cost the city more money.

22 MR. WRIGHT: Probably. Not more than what we've
23 been paying.

24 MR. PURKEY: Well, if you're -- let's say an
25 average dispatcher's salary with benefits -- and maybe this is

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1 on a low end -- it's \$21,000 or \$22,000. And you have to hire
2 four, then -- you know, we were talking about \$90,000 and then
3 equipment and so forth.

4 MR. MORRISON: There's a little twist to that.
5 In essence we're probably still talking four dispatchers.
6 We're probably still talking the same amount of money. But
7 we're talking totally different as to where that -- this
8 funding would come.

9 In a sense that possibly two would come from
10 general funds as well as two would come in from water and
11 waste. And water and waste water cannot pay dispatch a
12 minimum of one, but we could pay dispatch if we were
13 conducting it ourselves.

14 So even if that was our position right now on
15 the general funds and on the taxes -- because the water and
16 waste water is not in those taxes.

17 So the funding is possibly -- at that time point
18 we're talking about getting two dispatchers instead of four
19 dispatchers.

20 MR. PURKEY: Thank you, Mr. Chairman.

21 MR. PORTER: Other questions from the board
22 members?

23 MS. MOODY: One other question. If you were
24 going to take your budget and segregate it out, how much of
25 this would you say would be the dispatch budget?

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1 MR. CAMPBELL: For employees?

2 MS. MOODY: I'm talking about dispatch budget.

3 Obviously, you don't have an administration budget and a

4 dispatch budget.

5 MR. CAMPBELL: That's correct, we don't.

6 MS. MOODY: If you were going to do that could

7 you give me some idea of about what the dispatch budget would

8 be?

9 MR. CAMPBELL: Roughly in the neighborhood of

10 probably \$170,000.

11 MS. MOODY: \$170,000. That would -- would that

12 include salaries and fringes?

13 MR. CAMPBELL: Yes. That includes salaries and

14 fringes.

15 MS. MOODY: That's all for right now.

16 MS. QUESTELL: With the board's permission may I

17 ask a question?

18 MR. PORTER: Yes.

19 MS. QUESTELL: Mr. Wright, in your opening

20 statement and of the filing issue, that you mention that it

21 didn't come out the way you probably thought it should have.

22 Perhaps it would cease -- had your community cease paying the

23 emergency telephone service charge?

24 MR. WRIGHT: I don't think that if we're

25 technically -- and I'm speaking that I would assume this would

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1 be the law -- if we are not in their service area, which we
2 would technically be out of their service area -- they're not
3 in the service -- they would not be entitled to that revenue.
4 Would they?

5 MS. QUESTELL: Did you have a visual authority
6 to be able to move on?

7 MR. WRIGHT: No. I just -- just on the basis
8 that if I'm a citizen of Mountain City and I'm having the
9 city's 5 cents taken off my home phone and \$2 to \$4 taken off
10 my phone at the office and I call 9-1-1 and they say, well, if
11 you live in the city you better call the fire department or
12 the police.

13 You know, we can't do anything about that. Then
14 I don't think they're entitled to that money,
15 no, ma'am.

16 MS. QUESTELL: I would just simply look at the
17 Tennessee Code Annotated 786108A1A. I don't know that it
18 contemplates that, but that's up to your argument.

19 MR. PURKEY: Well, Mr. Chairman, I'd like to ask
20 another question, if I could. Mr. Campbell, you-all were not
21 saying that you would not operate a relay method, are you?

22 MR. CAMPBELL: We are not saying that. We're
23 saying we will not do regular dispatching for 25, but we've
24 still got two more methods to choose from.

25 MR. PURKEY: So at a minimum if you're -- and a

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1 position of the board and the center -- if you're receiving
2 the surcharge, at a minimum, I would think you would recognize
3 that you would need to do the relay method for Mountain City.

4 MR. CAMPBELL: Yes. I'm not for sure if the
5 board -- if my board would approve the \$25,000 and the
6 surcharge for the relay method, but it could be looked into.

7 MR. PURKEY: Well, I guess what I'm saying --

8 UNIDENTIFIED MALE: They would have to, wouldn't
9 they?

10 MR. PURKEY: Yeah. They would -- I think it
11 would have to do that, but that's a matter for counsel.

12 MS. QUESTELL: Is it true that Mountain City is
13 going to be cutoff without any kind of method of ECD
14 responding to 9-1-1 calls?

15 MR. CAMPBELL: No. We -- on that date, on 31st,
16 the 9-1-1 calls would still be coming into Johnson County
17 9-1-1 just after that date. What we do with them may be a
18 little different than the direct dispatch method.

19 MS. QUESTELL: Which method would you use?

20 MR. CAMPBELL: First, we could use a relay
21 method.

22 MS. QUESTELL: Well, that's authorized under the
23 statute. There are three different ways to respond to calls.

24 MR. CAMPBELL: Right. And then later on maybe
25 have to go to a transfer method, depending on the decision

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1 made by the city, but I'm sure we could go to the relay method
2 to begin with.

3 MS. QUESTELL: I just want to make sure that the
4 record is straight, is that -- did Johnson City -- I mean, did
5 Johnson County contemplate simply not responding to 9-1-1
6 calls?

7 MR. CAMPBELL: Not to my knowledge.

8 MS. QUESTELL: You were just going to apply
9 another method?

10 MR. CAMPBELL: Yes.

11 UNIDENTIFIED MALE: That's not the way we took
12 the letter advising us of termination.

13 MR. BILBREY: Let me go back to my first
14 question while we're here on this. You know, I think you guys
15 are the first ones we've had up here that couldn't get some
16 kind of agreement going.

17 And where did the breakdown take place and --
18 we're all doing -- I mean, everybody here is for the same
19 thing. We're trying to make sure that nobody is left out
20 there when the 9-1-1 call comes in. That somebody is going to
21 answer it.

22 Now, where did it happen that you guys refused
23 to talk to each other and work this out? You know, there's no
24 reason -- you got several ways to do it.

25 You've got a dispute over the money and all

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1 that, and that seems to be the root of everything here. But I
2 can't understand why you can't negotiate or talk or discuss
3 and come up with some kind of solution because there are
4 several solutions. We can see them right off.

5 Now, somebody is being stubborn on one side or
6 the other. And if you can't do that then something is
7 wrong. You know, as I say, you're the first ones we've had
8 here that can't reach some kind of an agreement, as far as I
9 know.

10 Is that not right? And if you can't reach some
11 kind of agreement, then somebody probably needs to move and
12 let somebody else do the talking. That's all I've got to
13 say.

14 Now, is that not a true statement? Aren't we
15 all here for the same thing? Then what's wrong?

16 MR. PURKEY: Mr. Chairman, it bothers me, too,
17 that the district is a little unclear about what they would do
18 on January 31st with the calls. If the district is receiving
19 the surcharge, Mr. Wright, I think they have an obligation to
20 take the calls and process them some way.

21 And it's pretty clear there's no plan in place
22 to do that and that bothers me greatly. I don't know what the
23 city may end up doing. You know, the thing to do
24 here -- it maybe so far gone that the city decides that
25 they'll just handle their own dispatching ever how they want

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1 to do it.

2 But if the district is receiving the surcharge,
3 at a minimum, you've got to set up a method to get those calls
4 to them or you -- you know, you don't need the surcharge if
5 you don't set that up.

6 And I think that would be very unfair. And what
7 bothers me more than anything, Mr. Chairman, is we're two
8 weeks away from that and there's no plan to do that.

9 MR. BILBREY: What bothers me worse is it may be
10 two weeks away, but they ought to be getting together and
11 trying to figure out a way to do it and where the solution is.
12 That's my whole point.

13 Now, I think we can probably come up with
14 something here to force that issue.

15 MR. PORTER: Well, I think we can still write
16 it. Some won't be the part of originals. I don't know if
17 they really want us to do that or not.

18 MR. BILBREY: Well, that's what I'm trying to
19 find out here. Is if they really do or if they don't.

20 MS. MOODY: One question. And if I
21 may -- and this would be asked more for Don than anybody
22 because he's dealt with their budgets, you know, for the last
23 several years. Do you consider this to be a financially
24 distressed district?

25 MR. JOHNSON: Pretty similarly.

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1 MS. MOODY: Pretty similarly?

2 MR. JOHNSON: They had a net loss this year --
3 well, for the fiscal year 2002. So two more years it probably
4 will be.

5 MR. PORTER: They're a tier five, I guess, for
6 the population of 17,499, I guess, for the 2000 census.

7 MS. MOODY: It seems to me like in looking at
8 this whole situation, you got a whole set of problems that
9 need to be dealt with.

10 And it also appears that somehow somebody needs
11 to try to deal with them and try to get their egos out of the
12 way and try to deal with them logically.

13 And what's in the best interest of anybody who's
14 driving through Johnson County, whether they live in Johnson
15 County or not. And also especially for the people who live in
16 Johnson County.

17 Mr. Chairman, I just wonder if -- I just wonder
18 if -- the only thing we've talked part about today is, you
19 know, this disparity in terms of funding for dispatchers. But
20 I think on the fringes as questions have been asked a lot of
21 other issues have evolved.

22 And I just wondered if representatives from
23 Johnson County, both city and district, have at anytime sat
24 down and tried to look at the various problems that you have
25 and then try to come up with a long range plan and some kind

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1 of way of dealing with them.

2 UNIDENTIFIED MALE: This past fall -- and
3 correct me if I'm wrong -- there was a committee that was
4 appointed, two from the county commission and two from city
5 and two from the 9-1-1 board. And they met several times and
6 I don't think they were able to do much of anything during
7 those meetings.

8 MR. MORRISON: I was a member of that committee.
9 And we did meet weekly for assistance and we did whatever we
10 needed to do to proceed on to resolve this. Some of the first
11 things we did was to clear out some housekeeping matters that
12 the town council was concerned with.

13 The fact that there was no lease on the 9-1-1
14 board and the counties who lease space in the building. What
15 would happen to the sheriff, who had the authority over the
16 building, should decide that they should not be in his
17 space.

18 Also on the equipment. And we were informed
19 that the purchase of the equipment was total equipment. A
20 member on the county commission was informed that his motion
21 is not part of the property equipment. So this committee did
22 get some of these things out of way.

23 I think the communication -- I think they
24 weren't realizing we were working in the same direction. We
25 also proposed that the 9-1-1 board consider a rate increase,

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1 which would have been a fair rate for the phone system.

2 I think like you said, the figures will
3 eventually show that there's new funds there. The town in
4 anticipation of this we -- this board would set up a time
5 frame as to how these things could be done in a sense that
6 their board would meet, the town council would meet and then
7 the county commissioner would meet.

8 They didn't meet - the town council -- on action
9 that they had taken and went ahead and made a resolution
10 approving the rate increase and forcing them to proceed with
11 that.

12 Unfortunately we were told that due to the
13 nature of the document that had been filed that it could not
14 be ready in December for this January meeting. He said maybe
15 we would go ahead introduce it at the February meeting.

16 I know that they're asking for a 30 day hearing
17 period on this thing. And I don't think that that's been done
18 on that. If the committee -- even though up front and early
19 were told that the 9-1-1 board would not approve any changes
20 to the fee that they wanted to charge the town of Mountain
21 City that we would assist them.

22 So every week after that up until the final
23 presentation was made at the town council, we just moved the
24 deadlines. And basically the only thing that was presented to
25 the town council at that time is that you pay the \$84,000 or

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1 we will discontinue dispatching.

2 So at that point the town council members
3 decided that that wasn't going to resolve it and wasn't going
4 be happy with it. So the committee that was formed to try to
5 resolve this, even though it made progress and they also broke
6 down some bearers so that there was no animosity between the
7 city and the 9-1-1 board, and at that time it ceased.

8 Let me point to one other thing, too, as far as
9 working with the 9-1-1 group itself. If we had a major
10 emergency tonight within the town limits -- let's just say we
11 had very heavy rain. The streams have become overflowed and
12 we had an accident from a vehicle going into that creek and a
13 life was lost.

14 Now, this is for us, a small county, we don't
15 have people die and in a normal best we don't have anyone
16 killed. Whether it be a murder or something accidental like
17 this, on a regular basis this is very rare for us.

18 But in that -- in a situation the mayor was
19 notified. He is a working mayor and he was out with our work
20 crew trying to break loose some of the damned areas to take
21 pressure off of it. Are you saying since he was notified by
22 one of the dispatchers at 9-1-1 and we went into what we
23 normally do in an emergency situation.

24 We put an officer at out consoles at the city
25 hall of which he extends assisting any dispatchers, any

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1 coordination that needed to be done. What does the town of
2 Mountain City do in that procedure? He stayed at that
3 location until the dispatcher from 9-1-1 called him and said
4 we can handle things now ourselves. So, you know, there's
5 still animosity here.

6 We don't have county/city thing -- a 9-1-1 city
7 thing other than the fact that a member of our of committee
8 pointed out to us -- the commission of the city council --
9 pointed out to us that with what we're paying and with
10 everything that is going on -- and basically I had figures
11 that showed the county gets paid a little over \$37,000 from
12 the time Mountain City was still paying \$74,000.

13 We're talking about, you know, this past year
14 from your records is showing we paid \$63,000. Now, they're
15 asking for \$84,000. You know, we have no problem, in a sense
16 that we are dealing with the city police department and the
17 fire department.

18 And by the way, the fire department is also a
19 first responder for several areas of the prison as well as a
20 large industry that is outside the city limits. And I have
21 concerns that if we go into a relay method how do you relay a
22 first responder.

23 But secondly, we do have a situation with animal
24 control, the water department has been worked with, the
25 dispatchers at 9-1-1. And full well know that if an emergency

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1 or a crisis occurs with those dispatchers to do the duties of
2 9-1-1 that we handle it. We do it. We get someone else up
3 there.

4 But in the same sense too -- let me point this
5 one thing out --

6 MR. PORTER: I'm going to give you about 30 more
7 seconds.

8 MR. MORRISON: Okay. Well, I'm sorry to take so
9 long. But I think it's some questions that have been asked of
10 me of why we're not doing something ourselves.

11 And it's pointed out, I think, very bluntly that
12 there is animosity. There's not animosity. We want a fair
13 and equitable situation of what we pay and what we get.

14 And we can even work out an hourly thing or a
15 monthly thing or whatever on these other services, then that's
16 a different ball game. But let me point one other thing too
17 is that, you know, a lot of calls are saying it's from a line
18 that's put in there from the police department.

19 That line was moved down there solely as the
20 director's responsibility and his assistant to cover anybody
21 that had a calendar or any refrigerator magnet or whatever had
22 had the police department number off of it.

23 He wanted to be sure all calls -- or emergency
24 calls would be directed to 9-1-1 and those people be informed
25 to the fact that these numbers should be discontinued.

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1 We purposely no longer list the number while
2 they're taking calls from another. There shouldn't be calls
3 asking, well, is the school open today. Where is officer so
4 and so. So that alone is -- if the phone -- if someone with
5 9-1-1 calls and they're answering it -- their taking 9-1-1
6 calls on it, then, you know, that's not our problem.

7 MR. PORTER: Okay. We -- hang on just a second
8 folks. We're getting -- kind of getting broad here. Let's
9 narrow back down and get back on the subject.

10 What -- I would just like to ask the city of
11 Mountain City -- what do you consider -- in short and brief
12 terms -- what do you consider to be a fair equitable amount
13 that you would pay?

14 Do you -- is that the \$25,000, is that the max
15 the city is looking to pay or do you-all have a figure in your
16 mind that you think would be a fair?

17 MR. BURNISTON: One of our alderman figured out
18 the percentage should be 15 percent.

19 MR. PORTER: 15 percent of what?

20 UNIDENTIFIED MALE: We base that on the
21 population ratios.

22 MR. PORTER: Okay. Let me ask you this. The way
23 I understand it is is that the 9-1-1 just started dispatching
24 for the Sheriff's department. Did that just start in January?
25 Okay.

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1 So you're going to be able to get -- in the next
2 couple of months you're going to be able to get an adequate
3 count of the number of calls, as far as call volume as to -- I
4 know the sheriff's -- you're going to be dispatching for him.

5 How many are you going to be dispatching for the
6 city and so forth? I guess my question is to both the city
7 and the county. Would you-all be in an agreement to look at
8 two months of call volume, January's and February's, and try
9 to work out a equitable settlement based on that volume, and
10 for that to come back to our next board meeting, which will
11 probably be in March or April somewhere along in that?

12

13 Is that something that you-all feel you could
14 work out with our help?

15 MR. BURNISTON: I think we'd like to work
16 something like that out. But I also think that -- what
17 part of that agreement should include I still think that the
18 city -- we would like the ratio thing plus that ratio per
19 population, plus that.

20 MR. PORTER: I know that -- and I think the
21 9-1-1 directors and board members that are dealing with
22 day-to-day 9-1-1 operations -- most systems are based on call
23 volume has to do who gets the call volume.

24 The population doesn't have a lot to do with it.
25 So I can show you places in the state that's got a very small

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1 population, but have high call volume. And I and Ms. Wanda,
2 dealing with a big town, Knoxville, and they base things on
3 call volume and most other places do.

4 But would that be something that would be
5 agreeable to this board that if we let them look at two months
6 of call volume, January and February, and try to get together
7 and work out something equitable.

8 Work with Anthony and Don and our staff and try
9 to come to a resolution of this. I don't think anybody wants
10 to see this board have to step in and say this is the way we
11 think it should be. We'd like to see you-all work it out.

12 And I think with this new set up, if you're
13 going to get a fair taking on what the duties are going to be
14 with the dispatchers and what kind of volume is going to come
15 to places, you can try to work something out and bring it back
16 to our next board meeting.

17 Is that something you-all think you-all can do?

18 MR. STEWART: Mr. Chairman, can I ask a
19 question? We have been dispatching for the city now for seven
20 months of our budget. We only received \$25,000.

21 We're going to run out of monies if we
22 don't -- you know, if the city doesn't give us some money to
23 bring that -- you know, to pay for it by January 31st. Where
24 are we going to get the money?

25 MR. PORTER: How much in reserves do you have?

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1 MR. CAMPBELL: I have enough money to get us
2 through the end of January for payroll salaries. At that time
3 I will actually have about \$4,500 left over for the next three
4 months.

5 The county has done paid for their two quarters,
6 which their money is not due now until the end of March, 1st
7 of April. So by the --

8 MR. PORTER: Hang on just a second. She said
9 she needs to change the paper. Continue.

10 MR. CAMPBELL: I have basically till the 31st of
11 January enough money for payroll.

12 MR. PORTER: Now, we're talking about money
13 sitting in a bank account. You don't have any money?

14 MR. CAMPBELL: We do have the savings account,
15 which roughly has close to \$5,000. And in general funds we do
16 have an account, but that goes towards other expenses. If we
17 use that then we're going to drain 9-1-1 completely dry.

18 MR. PORTER: And you're going to be out no main
19 operator.

20 MR. PURKEY: Let me ask the vice mayor
21 something, if I could. Mayor, how much -- is it fair to say
22 some money has been withheld because of this disagreement?

23 MR. MORRISON: Okay. Basically, you know, we
24 mentioned at the beginning that we gave -- we basically -- we
25 were basing the budget originally before we made some cuts.

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1 We made some major cuts of our organizations.

2 I think too that I need to maybe point out that
3 part of the dilemma was -- this goes back to October -- and at
4 that time things basically would have been covered a little
5 bit differently.

6 This committee was formed and everybody thought,
7 well, that the committee can do something and we realized it
8 was the best opportunity due to the fact that it's your ball
9 game.

10 I think we paid -- it seems like it was like
11 \$1,000 initially to cover during the time period of that --
12 that committee was in operation to cover -- to make sure that
13 they could run with this situation. That will occur on the
14 30th of the month.

15 MR. PURKEY: So when you tell me that the city
16 has no money budgeted outstanding in this fiscal year --

17 MR. MORRISON: We would have to amend the budget
18 increasing --

19 MR. PORTER: Let's go back to that rate increase
20 that, I guess, the vice mayor had brought up to the board. Is
21 Johnson County ECD, are you looking at asking for a rate
22 increase from this board in a future date?

23 MR. STEWART: Okay. If I can back up just a
24 little bit.

25 MR. PORTER: Just don't get long,

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1 Mr. Stewart.

2 MR. STEWART: Okay. We -- the county mayor
3 appointed two members of the city council, two members of the
4 county court and two members of the 9-1-1 board to try to sit
5 down and work this out.

6 I was not on that committee, but I was invited
7 by Mr. Morrison. He wanted me to sit in on it. And we came
8 up with an agreement -- or I thought we had this
9 agreement -- and Mr. Morrison may disagree with me -- that the
10 city would fund 9-1-1 this year then we would try to get a
11 rate increase.

12 You know, a rate increase takes time. We would
13 try to get a rate increase by next July if this board approved
14 it. Then we wouldn't have to ask the county for as much money
15 or the city for as much money.

16 And the 9-1-1 board would be able to run 9-1-1
17 and not have to depend on the county and the city. You know,
18 we're a 9-1-1 board, but we have no money. We have to rely on
19 the county and the city for our funding. That's hard to do.

20 It's hard to get two governments to work
21 together to fund a third government. So I thought we had that
22 agreement worked out. I thought at the last city council
23 meeting that we would go ahead and be funded for this year and
24 then we would work something out on the phone bills, but we
25 weren't.

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1 MR. BILBREY: I'll repeat something I said quite
2 a few times. But the rate increase is not to replace existing
3 funding. And that -- what we need to know is what the
4 equitable funding really is.

5 And this is the best argument in the world --
6 and our local agreement, that you guys don't have. And that's
7 what I keep saying is we need to sit down and work it out and
8 come up with one.

9 And come up with whatever the equitable
10 funding is. And the two months may not be enough. Let me
11 mention one thing that might be possible.

12 I don't know what -- what was the rate last
13 year? You're asking for \$84,000 from them this year. What
14 was it last year?

15 MR. MORRISON: They -- I used what figures what
16 we have and I'd be interested if you found these -- because
17 everything that we've told basically has been information that
18 we've gotten from them.

19 And the past was \$63,000 for the 2002-2003. And
20 that was increased up to the \$84,000. Actually part of that
21 is for MCIC unit computer.

22 MR. PORTER: Do you agree with that, board? Is
23 that right?

24 MR. CAMPBELL: Yes. I agree that we did receive
25 \$63,100 and that did cover their end for the year. \$61,500 of

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1 that was for payroll salaries.

2 MR. PORTER: That was for 2002 and 2003?

3 MR. CAMPBELL: Yes, sir.

4 MR. BURNISTON: I am the mayor and I've been the
5 mayor since 9-1-1 started. I've been on the 9-1-1 board since
6 it started. Every year for the first five years the city paid
7 for four dispatchers. The county paid for two.

8 The city also paid for MCIC every year because
9 the sheriff wouldn't let us use this 9-1-1. I think you-all
10 need to know that. Another thing I think you need to know,
11 they have declined six copies of the original resolution.

12 They declined the one last year. If anybody
13 wants that. I didn't know how many board members so I just
14 brought six. And now as far as the dispatchers go, if we put
15 in our own dispatching, again, we won't have to hire anybody.
16 We'll use existing people to do the work.

17 MR. PORTER: Okay.

18 MR. CAMPBELL: Mr. Chairman, may I advise?

19 MR. PORTER: Briefly, just for a few seconds.

20 MR. CAMPBELL: Well, Mr. Burniston was saying
21 that the county would not let them use any MCIC computers.
22 That's incorrect. I was dispatching at the facility and when
23 an officer needed a tag run we would call the telephone to get
24 that information.

25 And if it was out of the county we would call

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1 Carter Cable Company (phonetic).

2 MR. PORTER: I think the MCIC is the least of
3 our problems right now. How is the -- you know, the only way
4 that this thing is going to continue, 9-1-1 is got to get some
5 money or you're going to run out.

6 I guess the questions comes up -- that Charles
7 brought up -- is the city -- would the city be willing to pay
8 a larger share than just the \$25,000 to keep 9-1-1 operating
9 until an agreement can be worked out between the board and the
10 city and us to look at all of this?

11 MR. BILBREY: Along with that that would give
12 you -- if you can work out an agreement for that amount over a
13 period of time, whether it's six months, nine months or a year
14 even and come up with some statistics -- call statistics that
15 you were talking about a few minutes ago.

16 That will give us -- I don't think two months
17 would get it, but I think six months or nine months or a year
18 would. And then if you two as different entities could work
19 together on it and come up with a satisfactory inter-local
20 agreement.

21 And even if you need to try to get a rate
22 increase or whatever, you know, we would be willing to listen
23 to that. But first off we've got to establish a level basic
24 playing field that we can work from. And we don't have
25 that. Do you-all agree to that or not?

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1 MR. STEWART: I think my board would agree --
2 well, maybe I shouldn't make that statement. I personally
3 would agree that we can go by a call ratio in a neutral --
4 look at what we're doing for the county and look at what we're
5 doing for the city.

6 You know, I could agree to that. I can't speak
7 for my full board.

8 MR. PORTER: Would the city be willing to pay
9 what you paid last year to keep this operation going for the
10 next few months for this to be worked up on and look at
11 that -- the 60 whatever.

12 MR. BURNISTON: We would be happy to bring it up
13 to the whole board, which it's probably a good chance. We
14 want to keep it going. We want to work with these guys. But
15 like I said, the first five years we've been fighting back and
16 forth and we've been doing more than our share.

17 MR. BILBREY: We need an agreement. Now, we've
18 got to come up with an inter-local agreement that everybody
19 agrees to and it's signed and it really means something.

20 MR. PURKEY: Mr, Chairman.

21 MR. PORTER: Yes, Mr. Purkey.

22 MR. PURKEY: I think it's important to know here
23 that the impression -- the strong impression that Mountain
24 City gives is that they don't want to pull out of the system
25 and set up their own dispatching.

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1 I mean, that's what I'm hearing from them. Now,
2 obviously you're going to do what you have to do to take care
3 of your citizens. You know, that's what you're elected to do
4 and I understand that.

5 But I keep hearing, at least subtly, that they
6 don't want to do their own dispatching. So from that
7 foundation it would seem to me that we can -- over the next
8 few months if we can develop some temporary relationship that
9 we can come up with an answer to this.

10 And this board can be a partner in that by
11 considering a rate increase if they needed it.

12 MR. PORTER: Yeah. If they're in that bad of a
13 situation. Let me ask --

14 UNIDENTIFIED MALE: I'll make this very brief.
15 I think this is the point we're at that we need your
16 direction. I think your direction will get us through the
17 humps that we've had.

18 And I think we both want to work together on it.
19 We need an arbitrator -- I'm not a legal person. I probably
20 used the wrong words. But we need some direction.

21 MR. PORTER: Would the 9-1-1 board -- if the
22 city paid you the amount they paid you last year -- and I know
23 it's going to be shy of what you're asking -- can you get by
24 through the end of the year?

25 MR. CAMPBELL: I don't think we can get by, but

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1 I'm also saying we couldn't get by if paid up to a little more
2 this year.

3 MR. PORTER: What do you think you have to have
4 to get by to the end of the year through June 1st?

5 MR. CAMPBELL: I'd like to at least have \$70,000
6 for the end of this year. I'll have to do some figuring.
7 And, you know, we'll have to go back before our board to
8 approve that.

9 MR. PORTER: Right. I understand. Would the
10 ECB -- would -- and I'm not saying this to put words in your
11 mouth. I'm trying to look for a settlement here that would
12 work out that we -- could we keep 9-1-1 going -- we don't
13 affect anybody and the citizens of Johnson County yet, as it
14 opens back up for the sign of communication and you folks
15 start working together to try to settle this.

16 But I want to make sure when we leave here today
17 that you folks don't go back home and all of sudden everything
18 that you talked good for today -- all of a sudden that
19 communication line falls back apart and we're reading in the
20 newspaper next week that Johnson County 9-1-1 is
21 not -- or whatever -- the folks of Mountain City aren't
22 getting their 9-1-1 calls handled.

23 So I guess we need -- I know you can't speak for
24 your city council or your 9-1-1 board, but you-all have the
25 mayor and the vice mayor here for the city. And I think the

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1 funding is a big thing right now.

2 That there be some pretty hefty posturing here
3 that you'd be willing to help them out with more money either
4 at last year's funding or somewhere close to that to get them
5 by until we can look at this paper and look at the rate
6 increase request and try to get past this crisis. Is that
7 something that --

8 MR. MORRISON: I think that basically what we're
9 hoping for -- I think the -- speaking from what I -- the
10 information I have as of the town council, they want
11 direction. And we do want something to resolve that.

12 And at this point we're putting a lot of weight
13 on what you tell us to do. And I know that you're in the
14 situation that -- is there something that we need to be doing
15 correctly? I know that you're proposing a future meeting on
16 guidelines on how to deal with something like this.

17 And I don't think any of us want to do something
18 that is going to be challenged in the future or come back and
19 haunt us another year or we may face this again.

20 But I think we need you to tell us what you're
21 telling us. I think we need insurance that 9-1-1 is going to
22 try to cooperate with us. We have never sit down to negotiate
23 any figures.

24 The town made an offer. They said no. There
25 was never a counterproposal. You know, I don't want it to

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1 stop like that.

2 MR. PORTER: Well, and I understand what you're
3 saying, sir, but from an outside looking in I think there's
4 more bolts of the city than others does.

5 I mean, you can when you wait for the other side
6 to throw you a counterproposal, maybe you should have thrown
7 another counterproposal at them.

8 So, you know, I just want us to be able to work
9 out something here today that we feel comfortable as we leave
10 room that 9-1-1 is going to be taken care of in Johnson
11 County.

12 UNIDENTIFIED MALE: Mr. Chairman, let me make
13 one other little -- part of the attention is a lot of time is
14 being wasted with the dispatching for water and the animal
15 control as well as this other phone line. I see no reason
16 that they even need that phone line.

17 Well, I guess basically it was to guarantee the
18 minimum when starting that no emergency call would be
19 unanswered. Second thing, if it's such a burden for water and
20 sewer, let's just take it over.

21 And we can handle that easier ourselves. And
22 then maybe it will help eliminate back down to what 9-1-1 --
23 we all thought it was to do with dispatching water -- not
24 water, not animal control, but the police department and the
25 fire department.

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1 MS. MOODY: To the 9-1-1 board.

2 Mr. Chair, do you have -- or director -- do you have the
3 capability of being able to segregate out calls from the
4 county, from EMS and fire and the sheriff and to the city the
5 same kinds of things?

6 MR. STEWART: Of course, Eugene would know more
7 about that than I would.

8 MR. CAMPBELL: Yes.

9 MS. MOODY: You do?

10 MR. CAMPBELL: Yes.

11 MS. MOODY: You know, I would agree with the
12 gentleman from Mountain City that, you know, 9-1-1 is not
13 supposed to take everybody's calls. And it would -- to me it
14 would be helpful if we could see how many of the different
15 entities that truly are emergency calls, both from the county
16 and from the city.

17 So that you kind of have some kind of comparison
18 of the rate of calls and so forth.

19 MR. PURKEY: Mr. Chairman, whoever makes the
20 motion here I'd like to ask one more thing. And I want both
21 parties to understand that I say this on behalf of the people
22 of Johnson County, not taking sides with either one of you.

23 But I would ask counsel if the ECB has the
24 authority during this time, no matter what happens when they
25 get back home -- you know, let's say they get back home and

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1 they get into it again -- we hope they don't -- but can we
2 enjoin the board from dissolving service until we get our
3 opportunity to get back together?

4 MS. QUESTELL: 786312 directs what we're about
5 to do and I'll read that to you. It says any city or county
6 governing body may by resolution request the board to review a
7 decision of the board directly of the Emergency Communications
8 District servicing of your county affecting its financial
9 standing and its level of quality of 9-1-1 service.

10 With that said, the statute says that we are
11 allowed to review decisions affecting the level of quality of
12 9-1-1 service, which is what this is about. And I think that
13 the board would be within its right to direct Johnson County
14 to maintain services.

15 MR. PURKEY: Thank you.

16 MR. CAMPBELL: If the board does decide to have
17 9-1-1 to continue its service where are we assured that we're
18 going to have the money coming in to conduct that --

19 MR. PURKEY: Well, that will be a part of this.

20 MR. PORTER: Let me ask the board members a
21 question. Is there any inkling between the board members that
22 you-all would consider a temporary rate increase for them for
23 six months or something to get them by until all of this can
24 be resolved?

25 MR. BILBREY: No. I don't see why. They need

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1 to go through a very thorough study before we can even think
2 about a rate increase. And we've got a potential solution
3 there.

4 MR. PORTER: But if they don't have any money,
5 Charles, where are they going to do?

6 MR. BILBREY: I know. If we -- we're talking
7 money between the two right now. If they can't agree to that
8 then -- you know, they're talking a \$63,000 or the \$70,000
9 back and forth. There's the money.

10 MR. PORTER: Till June 30th.

11 MR. BILBREY: Okay. Whatever the time.
12 Until -- at that point then we can do a rate study. But I'd
13 hate to go ahead and do anything with a temporary. That's a
14 bad question.

15 MR. PORTER: I'm just asking. Do the other
16 board members feel the same way.

17 MS. MOODY: I'm going to chance the motion.

18 MR. PORTER: Okay.

19 MS. MOODY: Got to get something on the table.
20 And I don't have it written down I was just trying to
21 think. My motion is going to be that the Johnson County
22 9-1-1 -- the 9-1-1 district continue to operate, to take in
23 emergency calls for Mountain City and Johnson County -- and
24 those are emergency calls -- during this time that Mountain
25 City would continue their appropriation up to \$70,000 through

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1 June 30th, 2004.

2 MR. PURKEY: Prorated for this fiscal year.

3 MS. MOODY: Prorated for this fiscal year to
4 June 30th. In the meantime the board, Johnson County and the
5 city of Mountain City work to develop an inter-agency
6 agreement that -- which includes the composition of the board
7 as well as the plan for financial appropriations.

8 And that they come back to this board requesting
9 a rate increase following the standard procedures that the
10 board has established for rate increases. And that this be
11 done -- that this hearing be held prior to June 15th of 2004.

12 MR. PURKEY: On the rate increase.

13 MS. MOODY: On the rate increase.

14 MR. PORTER: Do I have a second? Do I have a
15 second on the motion?

16 MR. PURKEY: I'll second the motion.

17 MR. PORTER: I have a second by Mr. Purkey.

18 MR. RICH: On her motion I think there will have
19 to be a change. She said continue taking the calls. Well,
20 they're going to continue to take the calls no matter what
21 happens.

22 It's going to have to read if you would take the
23 calls and direct dispatch those calls.

24 MS. MOODY: Right. That's what I meant. The
25 language was not very good. I agree. Take the calls and

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1 dispatch.

2 MR. HAYNES: I think it would be important that
3 Lynn site the state law or give the state law and define those
4 emergency calls. Type of calls that that deals with.

5 MS. QUESTELL: Okay. Under 786103 emergency
6 calls are considered to be -- let me quote it for you --
7 include emergency fire protection, law enforcement police
8 protection, emergency medical prevention, poison control,
9 animal control, suicide prevention and emergency rescue
10 management. Those are the services that would be considered.

11 MS. MOODY: But I don't think we have any choice
12 but to go with whatever the statute says. So I would contend
13 that that's what the intent of my motion is.

14 MS. QUESTELL: I would like to point,
15 Ms. Moody, that that doesn't include water.

16 MS. MOODY: Do what?

17 MS. QUESTELL: It does not include the water.

18 MS. MOODY: Right.

19 MR. PORTER: We're talking about emergency
20 dispatching, is what you're talking about.

21 MR. LOWERY: I think it's important -- and I
22 know some or one or two of us around the board and maybe a lot
23 out in the audience -- dispatch and 9-1-1 are two different
24 things and we have -- I think we're real close to the point to
25 where they're going to be one.

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1 But probably our statute was written to take the
2 9-1-1 call and it is somebody else -- it could be conceived as
3 somebody else's responsibility just to dispatch it because
4 somebody was dispatching those calls before anybody ever heard
5 of 9-1-1.

6 That has not -- I mean, that's a -- it's pro
7 con, but --

8 MR. PORTER: Other discussions? The problem is
9 I guess we'll need -- you-all heard the motion. Does
10 everybody feel comfortable with that that we can work towards
11 a conclusion?

12 UNIDENTIFIED MALE: I think it's a good motion.

13 UNIDENTIFIED MALE: Can we have the two
14 disposable lines so that the calls come in about school and
15 whatnot and don't get counted up on our credit?

16 MR. PORTER: That'll be -- I mean, who's paying
17 for the phone line now, the city?

18 MR. CAMPBELL: The city is.

19 MR. PORTER: Could that be where the phone line
20 goes --

21 UNIDENTIFIED MALE: They requested that that's
22 what they get.

23 MR. PORTER: Okay. Is that agreeable with the
24 board that the phone line goes back?

25 MR. PORTER: I just hope that you-all will -- I

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1 fall back on this board's been in inception since 1988. I
2 know this may not be the last time we'll hear from a city or a
3 county or 9-1-1 board with a problem, but it's the first so
4 far that just couldn't work out an agreement.

5 I really hope that you-all will work on this and
6 that we can come up with an agreement that everyone can live
7 with and that you-all open the communications alliance back
8 up.

9 Because I really hate to see things come to
10 Nashville that have to be decided down here when they need to
11 be decided on a local level. And I know sometimes that has to
12 happen, but I hope that we can work this out before this gets
13 into any major crisis.

14 Any other discussion or comments? All in favor
15 say "aye". All opposed like sign. Motion carried.

16 MS. MOODY: One further statement,
17 Mr. Chairman. I would like to request that the court reporter
18 type up this motion that was made today and that it be sent
19 out over Randy's and Anthony's signature to the county mayors,
20 to the mayor of Mountain City and to the chairperson and also
21 to the director of the 9-1-1 center. I'll move to that.

22 MR. PORTER: Do I have a second?

23 MR. LOWERY: Got a second.

24 MR. PORTER: Any discussion? All in favor say
25 "aye"? All opposed like sign. Motion carried.

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1 UNIDENTIFIED MALE: Can I say one more thing?
2 You know, you're talking about the distress of 9-1-1. I want
3 you to know that Johnson County is a distressed county and we
4 are foolishly funding a state as well as the county income.

5 MR. PORTER: I'd like the board to take that
6 into consideration when you look at the record. Thank you for
7 telling that. The board is going to get a recess for about 10
8 minutes.

9 (Break in proceedings.)

10 MR. PORTER: Let the record show that all of the
11 board members are back. We're back in session. Our next item
12 on the agenda -- and I think that the way things are going we
13 may be able to finish this thing this evening -- is to
14 consider a plan for providing 9-1-1 service and a wireless
15 enhanced 9-1-1 service as required by the Tennessee Code
16 Annotated 786307.

17 MR. HAYNES: Mr. Chairman, what you have before
18 you today in your packets is a working plan that the state
19 wireless service meets to full compliance as required 786307.

20 I'd like to emphasis that this is going to be a
21 dynamic working of all of the documents, just as our
22 technology, just as our E-911 world has evolved greatly just
23 over the last year and year-and-a-half alone, so should this
24 plan.

25 And this would just be kind of a road map. It

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1 all needs to be approved, but it's kind of a laying down the
2 markers so to speak to -- of what the grounders that we need
3 to work within, but not limited to that.

4 So I would request the board to adopt the
5 documents in front of you.

6 MR. PORTER: You heard Anthony's request. I
7 think most of you have had time to view the document. Anthony
8 says this will be an ongoing work in progress. It says
9 working plan for statewide wireless E-911 service.

10 This is basically a plan that our TCA system was
11 supposed to have in place. And Anthony and Lynn done a real
12 good job with going back and reviewing our laws to make sure
13 we're in compliance and everything. And so this is their --
14 Anthony's progress and explaining.

15 MR. BILBREY: It is a working document?

16 MR. PORTER: Is a working document.

17 MR. BILBREY: And we talked about it briefly
18 that these reimbursements they're talking about are cost
19 recovery type reimbursements, I think in most cases, are they
20 not?

21 MR. PORTER: Everything is cost recovery, yeah.

22 MR. BILBREY: So certainly when you read some of
23 those that it will leave you hanging a little bit that it
24 might be reimbursements for something else. It could be
25 representing something else, but in reality it won't say

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1 reimbursement cost recovery.

2 MR. PORTER: Cost recovery.

3 MR. BILBREY: And they could put that word in
4 there.

5 MR. PORTER: That could be that the PSAPs or it
6 could be the wireless carriers or a BellSouth derivative.

7 MR. BILBREY: It is cost reimbursement?

8 MR. PORTER: Everything is reimbursement except
9 for the grants and so forth that you-all set forth. Any other
10 questions? Do I hear a motion?

11 MR. BILBREY: So moved.

12 MR. PORTER: Do I have a second?

13 MS. MOODY: Second.

14 MR. PORTER: I have a motion to second to
15 approve the working the statewide wireless plan that Anthony
16 has provided. Discussions? Hearing none. All in favor say
17 "aye". All opposed like sign. Motion carried.

18 Next item is the -- instead of revising our cost
19 recovery procedures Anthony thinks he has a better plan.

20 MR. HAYNES: Mr. Chairman, since the board
21 inception in 1988, over the years cost recovery has been
22 handled a number of different ways. Some of the potentially
23 ways I always thought that what other states do, and that this
24 board did early on, was a technical committee also be the cost
25 recovery committee approving cost recovery.

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1 But ironically I don't understand how the
2 technical committee, which is comprised of various wireless
3 carriers, can approve a comprised area of confidential data
4 that one is requesting.

5 So the board went different and set up a
6 different type of committee structure. But after the general
7 counsel and I have looked at this and exhausted the way that
8 this is done, We believe the best way to do this is to abolish
9 the cost recovery committee period; and that the full board
10 should always in a public meeting adopt a cost recovery plan
11 or proposal or request for such funds it should come before
12 the board.

13 We believe that all of the past documents
14 referring to a cost recovery committee should -- strike
15 that -- and make administrative preliminaries to those.

16 And we also believe that the board -- of course,
17 we would naturally have to be sensitive to the confidential
18 proprietary data as required by state statutes protecting such
19 information -- but this would be done -- cost recovery would
20 be approved pretty much the same way that the Tennessee
21 Regulatory Authority has to deal with the same like protective
22 proprietary information of a local exchange area where any
23 other corporation or industry could pay regular.

24 All those decisions involving that
25 data -- involving that information are discussed at the public

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1 meeting. Just the critical information that is protected by
2 law is not discussed.

3 So with that we would like to ask you, number
4 one, to abolish the cost recovery committee and amend all
5 documents to reflect it accordingly. Number two, we would
6 request that future cost recovery be done with a full forum
7 meeting of the board to adopt those type of carrier requests.

8 And number three, we would go one step further
9 given the -- I think, the expertise that tends to always be on
10 this board either through a 9-1-1 district official or similar
11 expertise, the staff would appreciate you going further and
12 authorizing a board member -- in this case we would like to
13 continue to work with our chairman as we have in the
14 past -- in dealing with carrier cost recovery review.

15 I would also point out that not only can you do
16 that through our technical consultant, who is under a signed
17 nondisclosure agreement, but then also any board member as we
18 would approve such requests for a board meeting would always
19 have the ability and the right to go up to the TDCBs offices,
20 pull the confidential files out, take a look at that
21 information.

22 We could walk through that with you. We could
23 bring in our textbook consultant to explain some of the
24 technologies that are there in the present. We could even do
25 that with the carrier, represented as part of that as well.

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1 But I just want to establish for the record that
2 nothing would be approved that will bind him or without a
3 board member's full knowledge. If they want more information
4 based on the carrier's request that they approve.

5 So Mr. Chairman, if the staff might -- oh, I'm
6 sorry -- there's one housekeeping item really to that that did
7 not make it in my notes and that's my fault.

8 Going with that we should also -- if you are
9 declined to support the staff's recommendation on these
10 matters -- and I'll be glad to repeat them -- you should also
11 consider abolishing TECB Policy Number 6 that authorizes the
12 cost recovery committee to approve the transmittal of the
13 request of service of our wireless providers.

14 MR. PURKEY: Mr. Chairman, I would move to
15 separate the base and the general counsel.

16 MR. PORTER: Do I have a second?

17 MR. LOWERY: Second.

18 MR. PORTER: Any discussions? Who made the
19 second?

20 MR. LOWERY: We did at the same time.

21 MR. PORTER: I'll take Ike. Any discussions,
22 questions? Hearing none. All in favor say "aye". All
23 opposed like sign. Motion carried. All right.

24 Next item the -- let me try to kick it off a
25 little bit -- Anthony has provided to you what we consider a

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1 proposed ethics policy. As you-all well know this board I've
2 always thought was one of the most professional boards that I
3 have dealt with in the past years.

4 And we want -- we've always tried to be ahead of
5 the ball game, I guess, it would be the way to say it. This
6 board has always been fair and proactive in trying to jump
7 ahead and be the leader in things.

8 And I think coming down the pike in the near
9 future you'll see ethics policies for all of the boards and so
10 forth. So we thought we would get ahead of the game and go
11 ahead and propose our own ethics policy for your review.

12 And I think this is -- shows again the stature
13 of this board and the forward thinking of our director in
14 bringing these items to us. Has everybody had time to review
15 the policy? Hear a motion?

16 MR. BILBREY: So moved.

17 MR. PORTER: Mr. Bilbrey makes a motion. Do I
18 have a second?

19 MR. RICH: Second.

20 MR. PORTER: Discussion? Hearing none. All in
21 favor in say "aye". All opposed like sign. Motion
22 carried. Cost recovery request.

23 MR. HAYNES: Mr. Chairman, given the policy on
24 cost recovery we have a number of carriers that are
25 recovering Phase II cost recovery -- or not only that they're

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1 on reoccurring charges in technology and state, but also the
2 monthly reoccurring cost to maintain net worth that provides
3 location data to those 9-1-1 centers.

4 As I mentioned before, anyone on the board that
5 has an issue or a question or a concern about these cost
6 recovery requests, I would remind them, one, that all -- some
7 things such as subscriber count, exact numbers of what the
8 company is paying for the technology, the total amount of what
9 the cost for the carrier is and the compliance in the State of
10 Tennessee, is all information that is protected by the
11 proprietary laws and regulations.

12 That doesn't mean it's not available to you in
13 our offices. And if you did want to take a look at that
14 currently or at anytime you would always be welcome to do so.
15 We would only request that no more than one member at a time
16 view that type of information, just to avoid any appearance of
17 conflict of the Sunshine Act.

18 With that said, Mr. Chairman, the staff has
19 reviewed all the cost recovery request that we're bringing
20 before you today for a period of at least one year. It has
21 had extensive review from not only staff, but also your
22 chairman, Randy Porter, also your vice chairman, Jerry
23 Sharber, also the ECB technical consultant, Rex Hollaway.

24 We have spent several amount of hours on this in
25 not only, one, reviewing and ensured that the cost submitted

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1 are only necessary to provide E-911 service. That there's no
2 other derived business use or any other type of cost built
3 into the carrier's request.

4 But we also try to drive offishness. We look
5 for places to cut cost. We look -- we ensure that the tariff
6 fee -- or what the tariff fees are on the books at the TRA.

7 We even made sure that the company wasn't
8 getting discounts or what you and I would call as lending
9 kickbacks at the end of the year after a future purchase of
10 telecommunications equipment.

11 We also made sure that there was no accelerated
12 depreciation for whatever reason that we might not fully
13 realize. But when we're talking about tens of millions of
14 dollars it turns into real money.

15 So the bottom line is, Mr. Chairman and the
16 board, we are -- we performed the best analysis that we
17 possibly can with the resources that have been available to
18 us, including you, the chairman, the vice chairman, technical
19 consultant.

20 And at this time the staff feels confident in
21 recommending to the board cost recovery approval for a Phase
22 II monthly and nonreoccurring cost for the following carriers,
23 Yorkville (phonetic), Elaquo (phonetic), Altel (phonetic),
24 Cellular South (phonetic), Cingular Cricket Leap (phonetic)
25 and US Cellular (phonetic).

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1 I will go further to state to you that the
2 staff's policy that we would request the board adopt that
3 either the carrier has to plea this deployment or based on the
4 PSAP readiness that the carrier be paid on those counties that
5 are deployed.

6 I would also go one step further,
7 Mr. Chairman, from what I think is a very important -- an
8 important policy. And this would effect particularly not only
9 immediately ATT&T wireless services, which if they meet these
10 conditions the staff would recommend full approval of based on
11 the cost that we work out with them.

12 And I should explain that just a little bit
13 later. But the bottom line is, Mr. Chairman and members of
14 the board, we don't want any carrier double dipping.

15 And what I mean by that is we do not want them
16 charging a regulatory recovery fee to the customers in the
17 State of Tennessee that could go to offset their Phase I and
18 their Phase II E-911 cost, while at the same time recovering
19 those very same cost from the state 9-1-1 board through cost
20 recovery.

21 So therefore we -- that's going to put a little
22 bit of a burden on these carriers to prove to us that that
23 sort of practice is not occurring. And we would ask you that
24 you approve all the carriers that we mention.

25 I'll run through them again for the record.

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1 You're approving for Phase II cost recovery, monthly
2 reoccurring cost and nonreoccurring cost conditional on at any
3 time that if this board discovers that they are, as we said at
4 staff level double dipping, that that cost recovery will be in
5 jeopardy and subject to ending of that agreement by the
6 board.

7 Again, for the record Yorkville, Elaquo, Altel,
8 Cellular South, Cingular Cricket Leap, US Cellular and ATT&T
9 Wireless Services.

10 MR. PORTER: Have we got a motion to approve
11 those cost recovery?

12 MR. LOWERY: So moved

13 MR. PORTER: All right. Second?

14 MS. SHEFFIELD: I'll second.

15 MR. PORTER: Second, Ms. Sheffield.

16 Discussions?

17 MR. BILBREY: Would you go over those again
18 slowly?

19 MR. HAYNES: Yorkville -- yes. Uh-huh -- the
20 cooperatives, which if you recall that have unique policies
21 and the board recognizes are not for profit
22 cooperative status.

23 Yorkville, Elaquo, Altel -- I'm sorry --
24 Yorkville and Elaquo are the only two cooperatives. Then you
25 have Altel, Cellular South, Cingular Crickett Leap, US

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1 Cellular and ATT&T Wireless Services.

2 Those are all carriers that thus far have
3 requested Phase II cost recovery from the board. There are a
4 number of carriers, some tier SCC tier one, some tier two and
5 some tier three that are likely not to seek Phase II from the
6 board onto Phase I cost.

7 And I think it's because in 90 percent of the
8 cases, Mr. Bilbrey, they are recovering that directly from the
9 customer in a monthly charge. I would address -- I probably
10 should let you deal with that first and then follow up with
11 another motion, Mr. Chairman.

12 MR. PORTER: Questions or discussions? Hearing
13 none. All in favor say "aye". All opposed like sign. Motion
14 carried.

15 MR. HAYNES: Mr. Chairman, I would further ask
16 the board for a -- if it's appropriate to ask for a motion
17 that would just state that if any of these carries have --
18 that are seeking Phase II cost recovery that have already
19 imposed a regulatory recovery fee that that amount be
20 deducted -- if you support that -- be deducted from the
21 carrier's cost recovery request or at any time in the future,
22 if we discover that a certain amount had been collected, that
23 in the out years we would be able to go back and realign their
24 payment for the cost recovery.

25 MR. PORTER: Heard the request. Do I hear a

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1 motion?

2 MR. PURKEY: So moved.

3 MR. PORTER: Mr. Purkey. Do I have a second?

4 MS. MOODY: Second

5 MR. PORTER: Ms. Moody. Any discussion?

6 MS. MOODY: How far back are -- how far back on
7 that, Mr. Director, are we looking at that? I know I was --

8 MR. HAYNES: From day one a regulatory recovery
9 fees were imposed. A lot of times it's broken out, a lot of
10 times it's embedded in things such as nonreported local number
11 affordability, some other items. But the bottom line is if
12 the company has selected money for Phase I or Phase II in
13 Tennessee from the customer, while receiving or attempting to
14 receive, then that's got to be taken into consideration.

15 The Tennessee consumer should not pay twice nor
16 should the state. We also -- Mr. Chairman, I also add that
17 you contest to we have really performed an exhausted
18 questioning of -- and some of the carriers representatives are
19 in the audience, they've contested this suit -- and ensure
20 that what the State of Tennessee is paying for does not
21 prorate it, not balanced, not a bundled set of charges that
22 would have an effect of Tennessee subsidizing in other states
23 E-911 implementation cost simply because the carrier might
24 have a nationwide contract.

25 MR. PORTER: Other questions or

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1 discussions? Hearing none. All in favor say "aye". All
2 opposed like sign. Motion carries. The teacher for emergency
3 dispatch training, she sent me a document.

4 Did you guys have a -- we -- as you well know
5 the dispatch training committee that we formed back the end of
6 last year to look at the development standards for the
7 dispatchers across the state has met many times.

8 You should have a document in your packet a
9 report from Lynn Casey, who is the chairman, outlining all of
10 the stuff that they have already done. Talking about the
11 things that they have to do in the very near future and then
12 towards the end summarizes as to where they think they are and
13 where we stand with this.

14 Is there -- anybody have any questions? Lynn
15 and them couldn't be here today, but Anthony or I or somebody
16 surely can answer if you have any questions.

17 MR. HAYNES: I would just add that the staff has
18 been -- overall has been pleased with the progress the group
19 is making. It's obviously not moving as fast as any of us
20 ever wanted to, but then again we're starting
21 probably -- well, we're reinventing the wheel in Tennessee.

22 And rare -- that is a rare opportunity you get
23 in government to start from scratch to make something better
24 than what it is. So with that said I think that you take into
25 consideration of what the group has accomplished.

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1 It's admirable and the staff is pleased with
2 what they have accomplished. I think that you'll see this
3 process yielding more information ready for your consideration
4 in the upcoming months of this year.

5 MR. BILBREY: Is this going to go through a
6 rulemaking process?

7 MR. HAYNES: Yes, sir. Not only because we feel
8 like that's the right thing to do to give all citizens, the
9 public safety agencies, associations, whatever may give the
10 group an opportunity to comment on whatever you adopt, but we
11 would make it enforceable by law.

12 To our knowledge this is -- such regulations
13 have not existed before. Only a mere few statutes governing
14 the conditions to be a dispatcher in the state.

15 But they're looking -- I know right now they've
16 gotten information from about 30 some odd states in how they
17 conduct their programs. And we're not interested in settling
18 for bare minimum.

19 We're also not interested in micro managing a
20 particular police department or a particular jurisdiction and
21 how they do their business, but we are interested in
22 presenting to you a minimum standard that arguably one would
23 say that's got to be, if not the best of the nation in terms
24 of a base standard to train your dispatchers and the
25 requirements and of course the study approval.

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1 MR. PORTER: Other questions? I think the
2 committee is doing a great job. They've really been putting
3 in a lot of hours and I think at the end we'll see a good
4 product come from it. Hearing none.

5 I don't think we need motion on that, do we?
6 Okay. Next item on the agenda is discussing financial
7 challenges and issues facing rural ECDs on a tier five.

8 And as you well know these tier five counties
9 were the bottom population counties of the state and some are
10 as small as 5,500 residents in the county and face a great
11 financial challenge trying to make 9-1-1 work in these small,
12 small counties.

13 And we felt we should put that on the agenda to
14 be discussed and on the topics that come up to the board that
15 maybe we need to address something to try to help these
16 counties or to address their financial needs as the land line
17 revenue continues to go down and more and more of them are
18 coming into financial trouble. Anthony, you want to talk
19 about that?

20 MR. HAYNES: Yes. Mr. Chairman, the reason that
21 this is actually on the agenda today we felt like that the
22 board needed to have some form of discussion on this. It
23 would be irresponsible on the staff's part if we didn't raise
24 your attention to it.

25 Just given the financial challenges that these

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1 districts in our so-called tier five level, and that is the
2 time in one districts that tend to have a census population
3 below 20,000.

4 They are arguably the most rural in the
5 state. They have limited resources. Nothing else due to the
6 population. That means local units of the government that the
7 tax pays and that's means the local 9-1-1 district doesn't
8 have as many telephone lines. So it's just a -- it's a very
9 challenging problem that -- it's obviously hard for a 9-1-1
10 district to provide a comparable and really a standard level
11 of E-911 service.

12 And are more rural and arguably poorer counties
13 than some of our more populated counties. There is some talk
14 that I feel like it's warranted to bring up before the board.

15 I know that there is a couple of interest within
16 the 9-1-1 family about having some sort of economic analysis,
17 whether it be performed by the Tennessee tax or the commission
18 on intergovernmental relations.

19 But the way the -- staff has talked about this
20 quite a bit among themselves and even with a legislator or two
21 as well as a couple of board members. And it's the staff's
22 opinion that the 9-1-1 districts have been given a revenue
23 avenue to prove a law and that's the land lines.

24 And although that the state board is trying
25 desperately to help these 9-1-1 districts, one merely through

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1 it's financial oversight to make sure that the money is kept
2 right and done in the right -- and the revenue is being
3 collected the right way, but we've also provided grant
4 opportunity prorated a year ago through a dispatcher
5 assistance grant -- which we will start administering
6 immediately following this meeting -- that provides up to
7 \$30,000 a year for dispatching resources for new and
8 additional dispatchers, not to subsidize the current salaries.

9 We've done a number of things,
10 Mr. Chairman, to help these in our toolbox of tools, so to
11 speak, but again there continues to be some legislative
12 interest. And I think particularly from those interests --
13 and I don't blame them in a way -- that wants to do everything
14 from look at raising the wireless fee and redividing it up.

15 And I'm confident that I represent the rest of
16 your staff's views on this that we feel like -- we've got
17 probably out of 31 9-1-1 districts in this tier we only have
18 six, it looks like, that have come to you for a
19 rate increase.

20 To me that tells me that six people
21 have -- or six counties -- six 9-1-1 districts have taken the
22 initiative to make things better in their county and do the
23 right thing to come to this board and -- and really have the
24 political backbone -- to come to this board and ask them to
25 raise their rates and the rest of them are not.

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1 And it's kind of hard to talk about with
2 legislatures, talk about to the public, talk about to the
3 press that you want to raise the telephone fees.

4 or it's hard to go Raymond (phonetic) in Memphis
5 and Roxanne (phonetic) in Nashville and say we want more of
6 the money you're getting, when you haven't even exhausted --
7 haven't even begin to exhaust what the general assembly has
8 put forth for you to get your money from them.

9 And the staff just would like to go on record to
10 the board in a public meeting saying that we recognize the
11 challenges facing rural areas. Mr. Chairman, if I recall
12 that's one of the reasons you-all recruited me from Washington
13 for the rural interest that I worked in.

14 And you recognized that need and you thought
15 that we might could pull on some of those experiences and
16 background that I had at the Ag Department to address some of
17 those things.

18 But I just don't think that it's wise. I don't
19 think it's politically prudent and, quite frankly, I don't
20 think it's fair to the other 9-1-1 districts nor the people
21 that live in all of these districts to look at other means and
22 try to get the political wheels in motion through whatever it
23 may be, a study being conducted or whatever it is, until we
24 have in good faith exhausted what the legislature put in forth
25 over 15 years ago to pay for 9-1-1 operations and that's the

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1 land line fees.

2 We all know they're dropping, but on the other
3 hand they're not dropping in rural areas like they are in the
4 urban counties. So I do feel like we need this
5 board -- if you're ever presented with a question or an
6 opportunity from any number of interest to go back and
7 renegotiate the 9-1-1 wireless fee or whatever may be the
8 case.

9 I think we owe it to the people and I think we
10 owe it the members of the general assembly to exhaust what is
11 there and see how the books balance before we start looking at
12 asking anybody to provide more money for 9-1-1 in the State of
13 Tennessee.

14 Maybe I'm going out too on the limb here,
15 Mr. Chairman. I think that's the only equitable and right
16 thing to do.

17 MR. PORTER: Discussion?

18 MR. LOWERY: I start with the biggest questions
19 that I get every day -- well, not every day, but at least one
20 or two or three times a week -- is when are you-all going to
21 raise the rates across the board.

22 We got the fives, but I think the tier fours are
23 probably just as bad a shape as any. I say, well, I don't
24 know. They want to know, well, what's the difference in mine
25 over yours.

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1 But the equity part is probably -- should be
2 doing the same thing. I don't know. I ask have you applied
3 for a rate increase. Some say they have and others say
4 they've been hearing -- watched us go through others and
5 they're scared. They're not going to do that. So I don't
6 know what the -- they're just talking.

7 MR. PORTER: I'm the same way. And you know,
8 one thing though that in looking at some of
9 these, tier fives especially, how a district could operate on
10 \$35,000 a year. I -- that's beyond me.

11 I'm sure there's a lot of city and county money
12 probably going into that to make it flow. But when you look
13 back from day one back in the '80s with the 9-1-1 fee it being
14 65 cents -- or actually it was a percentage of the -- of what
15 the phone bill was back then -- but about 65 cents -- it's not
16 been increased.

17 It's almost going on 20 years or so. And, you
18 know, at some point in time that's -- something is going to
19 have to give to help these folks. But I feel like Anthony
20 does that, you know, the avenue is there through our law for
21 these districts to get help.

22 And I hope that we would address it through
23 those avenues and doing stuff through the land line rate
24 before we start messing with the wireless rate. We're just
25 now on the verge of getting that Phase II paid for and being

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1 able to kind of get settled out here.

2 And folks we're not going to have a whole lot of
3 money after today. If we start paying these checks out
4 there's -- you know, there's not going to be that tremendous
5 lump sum sitting out there as it's been in the past.

6 I think we're going to need all of that dollar
7 that we're using in the future. But I'm hoping that we can
8 help some of these districts help themselves, I guess, in some
9 way in the future.

10 MR. PURKEY: Well, Mr. Chairman, I guess I think
11 also doesn't the law allow us, for those districts that don't
12 make a rate application increase, it allows us to enforce the
13 increase at some point and we're certainly not been to that
14 yet.

15 So I mean, there is certainly flexibility in the
16 law for us to handle some of these situations. And I get the
17 same question that Ike does when I go to county meetings.
18 They use the county mayors -- the rural county mayors saying
19 when are you-all going to change the percentage.

20 We're getting on the locally -- the local board
21 a dollar, is what hear.

22 MS. MOODY: Are you talking about more of the
23 wireless dollar?

24 MR. PURKEY: Yes. And you know, they think that
25 the state board is sitting up here in Nashville and just, you

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1 know, spending it like drunken sailors and they're not getting
2 their share.

3 And that's -- it's clear to me, as member of
4 this board funding inception. You know, I was telling Charles
5 awhile ago, you know, there are only three of us left here
6 from the inception.

7 And this board has always been conservative and
8 we've done a lot for these districts. It bothers the
9 mechanism in the statute for them to pursue relief. And I
10 think that's what we need to do.

11 MS. MOODY: Shouldn't -- if you're getting that
12 kind of request from county mayors and so on, should there be
13 some kind of a communication document developed that would
14 kind of show what's happened with the funds -- the wireless
15 funds over a period of a few years here to kind of let them
16 know, you know, how the dollars have been spent.

17 I'm not talking about anything very elaborate.
18 Just a general kind of -- kind of a report card so to speak to
19 them.

20 MR. PORTER: I think that would be good. And,
21 you know, we can't list down what we spent per wireless
22 carriers --

23 MS. MOODY: No, I don't mean that.

24 MR. PURKEY: We can list a lump sum of what the
25 total amount is.

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1 MR. PORTER: Yeah. And talk about how we were
2 one of the first in the nation for Phase I and we were the
3 first of Phase II and most of our counties are deployed.

4 And I also think that it would be good if we
5 could some way get to these counties that don't sit out there
6 and sit with \$5,000 in a savings account worried if you're
7 going to make your next payment or not.

8 That we might ought to make sure that they
9 understand that they have the opportunity to come to this
10 board and ask for those rate increase requests.

11 And maybe -- I hear the same thing Ike has and
12 David has too, that they're scared of us and they're afraid
13 that the way that maybe some of the counties has had a hard
14 way to go on rate increase in the past.

15 But maybe we could make it a little easier or
16 put the communication out to you that, you know, that's what
17 we're here for is to try to help you. But they have to help
18 themselves before we can help them.

19 But there is a talk going on too that the land
20 line rates, since it hasn't been raised in all these
21 years -- 65 cents -- of raising it up maybe to a dollar where
22 it's equal with the wireless fee.

23 And not necessarily messing with the business
24 and leaving that alone -- it's already doubled anyway -- but
25 at least raise that residential fee up. And you know in the

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1 long run that residential fee is what's going to help us with
2 the districts. It's a bigger share.

3 MS. MOODY: I think the rural ones.

4 MR. PORTER: Yeah. A bigger share of the
5 wireless district is not -- a share of the wireless part is
6 not going to help those low counties that are based on
7 population, but increasing the land line rate will.

8 So that may be something we want to look at in
9 the future. Maybe to try to open that communication up a
10 little more and make sure they understand that there is a
11 process there to do it.

12 MS. MOODY: And if you're going to develop some
13 kind of communication piece that you could include in there
14 the number of districts that have come and requested a rate
15 increase and the number that have been approved.

16 You don't even have to list who or anything, but
17 just general kinds of terms might be helpful.

18 MR. PORTER: This board is -- we've not turned
19 down a soul yet that if they actually need the
20 money -- they may not have gotten the full amount that they
21 wanted, but we have given them what I think is a good share.

22 So I would hope that some of these little
23 counties -- and I don't know how we do that. I don't what
24 the -- you got any ideas, Anthony on how we could help this
25 along?

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1 MR. HAYNES: One of the things I think might be
2 helpful if -- you know, we have a very close working
3 relationship with the leadership of the Tennessee Emergency
4 Number Association.

5 I see Bob and Neal (phonetic) and
6 Buddy Shaffer in the audience here. And Buddy and I -- well,
7 TENA and I have -- we've done conference calls since I
8 started.

9 I think that through some of the programs like
10 on wireless technical issues that we agree to work together on
11 all around the state that there are ways that we -- broader
12 things, broader pieces of information to help educate.

13 And I think when some of -- I mean, where I tend
14 to see the problems are not the people that show up at the
15 state board and not the people that show up at the TENA
16 meetings, but the people that don't show up.

17 And somehow or another it's kind of like the old
18 preacher said, we've got to figure out how to get them in the
19 church. We've got to get everybody else. And that's exactly
20 what we have here.

21 And by -- Mr. Chairman, as I shared with you my
22 frustrations a little bit earlier and over the last week --
23 and I think it's important to go ahead and get this in the
24 record to kind of characterize properly what we're talking
25 about.

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1 I think a lot of this starts with the county
2 executives and the county commissions on the type of people
3 they put on these local 9-1-1 boards. Too many times a good
4 old boy that goes fishing with the county executive or
5 whatever might make it on the board and that's fine.

6 There's nothing wrong with that as long as that
7 board member recognizes that they are a statutorily empowered
8 public body member of the State of Tennessee that, most
9 importantly, comes with responsibilities and obligations.

10 I have made test calls in rural counties in this
11 state, some as last as this past weekend, to where I talked to
12 dispatchers that told me I don't ever mess with the location
13 data. I just take the calls.

14 I've only been here six months. And that was
15 the only person on duty for the whole weekend. I've also seen
16 places to where when I told them who I was and that I was
17 making test calls they said what's a PSAP.

18 So I was just astounded that the knowledge and
19 the information that's out there. And we kind of laugh about
20 it, but you let your family be on the telephone calling and
21 somebody dying and all of sudden it makes a big difference.

22 It's also hard for us to defend that type of
23 lack of responsibility of board members and district directors
24 that let that kind of activity go on. And we run political
25 cover for them before the general assembly, with the press and

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1 with ultimately the tax payer.

2 Mr. Chairman, quite frankly, I will fight tooth
3 and nail for any of these PSAPs out here in these 9-1-1
4 districts that are doing a great job, particularly in rural
5 areas.

6 But I don't have the patience for a minute to
7 start trying to run political cover and defend some of the
8 actions that I've come across with you and Rex Hollaway in the
9 last month doing Phase II testing.

10 My recommendation to the board is this has got
11 to stop. And I've asked buddy Shaffer with TENA how we can
12 work together on this, what can be done. Neither one of us
13 had any answers. I don't know if you have any answers.

14 But I just want you to know and in the public
15 forum and on the public record we've got some real work to do
16 in this state. It's not necessarily our statutory obligation
17 to pull people up by the boot straps, but I think as human
18 beings it's our obligation to do so.

19 But somehow or another we've got to figure out a
20 way to do it. And that might require us ultimately down the
21 road going to the legislature and asking for more authority,
22 not only for the local districts at the local level, but also
23 for the state board over the local districts.

24 Somehow or another we cannot allow the public's
25 confidence and trust in local and state 9-1-1 operations and

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1 authorities to be violable. And I'm just very disturbed about
2 what we've been finding through this Phase II deployment
3 process.

4 And I wanted you to know about it. I wanted you
5 to know about it on the record. And if you have any
6 recommendations for me I'll be glad to take, otherwise we'll
7 do the best job we can to -- we don't want to be an
8 overburdening bureaucratic heavy handed board -- staff, but on
9 the other hand, too, we can't be everybody's friend and save
10 the public -- cost the public safety.

11 So I'm certainly okay with the board telling me
12 what to do or we'll keep doing the best job we can at where
13 we're going and continue to work with TENA and see if we can't
14 figure out a way to fix this.

15 MR. PORTER: Probably don't want to take
16 Anthony's temperature last Saturday when he called me on those
17 test calls from some counties.

18 MR. LOWERY: Whereabouts are we on the education
19 seminar thing we were talking about at the last meeting?

20 MR. HAYNES: Yes, sir. What was ordinarily
21 supposed to be a financial seminar that was going to be just
22 on budgeting and finance issues, which still is a big part of
23 it, I'm thinking now we might ought to expand that to some
24 other operational issues.

25 But again I think what would really help us the

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1 most -- it won't solve the problem -- but I think what would
2 help us the most is the wireless issues forum that we're going
3 to -- that TENA is going to co-host with us.

4 We haven't set a date for that, but it will be
5 here in the up coming months, probably before summer. Also,
6 too, if we can ever get our enforceable dispatcher standards
7 on the books I think that will help this state more than
8 anything else.

9 But again the problems I see they start at the
10 top, not at the bottom with the dispatchers. They start at
11 the top with the management. And it starts with the district
12 director, but before that it really starts with that district
13 board.

14 And you may have not really knew -- you may not
15 have really known what you were getting into when that county
16 executive appointed you and the county commissioner confirmed
17 you, but you've got the responsibility now.

18 And I think it's that these county -- or these
19 local 9-1-1 district board directors needs to find out what
20 their responsibilities are and get to work. Because it's
21 obvious that that's where some of the leadership breaks -- to
22 me it's obvious that's where some of the leadership breakdown
23 is, not with the paid staff, but above that.

24 MR. LOWERY: Luckily you didn't talk to some of
25 the sheriffs.

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1 MR. PORTER: They have a lot of problems out
2 there. A lot of local problems.

3 MR. HAYNES: So, Mr. Chairman, might I offer
4 maybe a staff for the next board meeting to prepare for you
5 maybe a statement of principals that the board would adopt
6 that would be shared with all ECDs that would kind of be like,
7 for lack of a better term, the rules of the road so to speak
8 of how a district should function.

9 Maybe what matching arrangement should exist
10 between other local units of government that are benefitting
11 from direct dispatch services of how maybe they ought to
12 consider paying for those.

13 But it would be -- it would be kind of a
14 guidance document that necessarily wouldn't be enforceable and
15 it wouldn't necessary work in every single district, but it
16 would at least get some of these districts and idea of where
17 they need to start and what they -- what the support of the
18 state board is.

19 And maybe we could even work with TENA and get
20 their association to adopt a similar statement or principles
21 for like a code of conduct or a code of practices for a 9-1-1
22 district and appointing officials in the 9-1-1 district. We
23 would work with them and do the same thing.

24 MR. PORTER: How about also with that some
25 suggestions or -- not necessarily suggestions -- but

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1 possibilities that we have from inside of our TCA and how --
2 and then maybe we could help these -- some of these tier four,
3 tier five counties in the future and maybe some ideas and some
4 way we can communicate the processes they go through or help
5 those processes.

6 Is that too much? Is that -- does everybody
7 feel that we need to look at trying to help these small
8 counties? I mean, I think that's -- before we get in trouble.
9 And me and Charles both is from some small counties that -- I
10 mean, I -- there on this list. So --

11 MR. LOWERY: Are all counties on here?

12 MR. PORTER: Just tier five.

13 MR. HAYNES: The ECDs with population below
14 20,000.

15 MR. LOWERY: I was looking over these I
16 thought -- I think I saw some on the printout there -- the
17 directors thing that weren't on here.

18 MR. BILBREY: How many of these are financially
19 distressed, just out of curiosity?

20 MS. HAYNES: I think technically until -- well,
21 prior to today's policy adoption, I think none.

22 MR. BILBREY: That's what I thought.

23 MR. HAYNES: I think all -- I think all
24 districts right now on this list as far as -- as of this
25 moment are in the black.

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1 MR. PORTER: So they may have been financially
2 distressed two or three years ago, Charles, when we addressed
3 them, but now since the rate increase request has happened
4 they're not.

5 MR. BILBREY: You mean everyone that have gotten
6 the increase?

7 MR. PORTER: Right.

8 MR. BILBREY: But the others, look at them down
9 through there, though, we got some interesting management
10 taking place out there.

11 MR. PORTER: Some of the counties that are
12 around me that I know that are on this list the counties and
13 cities are putting in humongous amounts of money to
14 keep it --

15 MR. BILBREY: It would be interesting to
16 see -- to find out how their funded.

17 MR. PORTER: Is the board in agreement --
18 agreeable to let Anthony work on this and bring us a
19 recommendation back to the next meeting? Okay. Just present
20 the board that we also work with TENA and try to do something.
21 Okay.

22 Is that -- work with TENA also, is everybody
23 okay with that? Okay. We don't need a motion on that, do we?
24 Okay. I have two or three little small items we need to
25 discuss.

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1 Buddy Shaffer has asked -- he's the TENA
2 president -- asked to address us for just a minute or two on a
3 TML city thing. And Buddy you want to come up?

4 MR. SHAFFER: Buddy Shaffer, president of TENA.
5 I have heard in the last day or two that TML would soon
6 introducing a legislature to change the annexation to make it
7 easier to annex out of the counties.

8 And in doing this -- I haven't seen the bill.
9 Like I say, I just saw it -- but I would like for us to go in
10 and -- TENA and CV (phonetic) board and look over these and
11 try to get it to where the 9-1-1 director for each county
12 would have to approve these changes so that when they change
13 these it will not be changed until we sign off on it to make
14 sure we read the changes.

15 And also when they answer the 9-1-1 call the
16 people are going to the right place. And also try to get them
17 to where when they annex they don't skip two or three houses
18 and come back.

19 Because it's too much a headache when you try
20 to -- you can't hardly look in one house. Metro doesn't
21 involve in it because they run off and leave. Like my county,
22 I've got five different PSAPs.

23 And I'll get -- surely that I get them to the
24 right PSAP. Not getting two houses in the city and then three
25 out of this county and then back in the county. It's a

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1 headache trying to keep up with this.

2 And so I would like the board to ask Mr. Haynes
3 and myself to work together to try come up with a legislature
4 and try to work with TML to get this approved.

5 MR. PURKEY: In order to affect annexations they
6 would have to open up 1101. And are you familiar with what
7 I'm talking about? Double check the 1101 that set the 20 year
8 growth plans.

9 Wanda, have you heard if they're going to do
10 that this time? I haven't heard that.

11 MS. MOODY: No. I haven't heard that either.

12 MR. SHAFER: Yes, I have. Actually there's a --
13 they plan on easing the laws for annexation. They're putting
14 into the legislature this year easing all laws for annexation.
15 And a particular county or city who wants to annex they're
16 going to try to ease that into the law.

17 And TML has in their Town and Country
18 newspaper -- I haven't seen the actual bill yet. I've been
19 looking for the bill. I haven't seen the bill, but I know
20 that's in their legislative packet.

21 MR. HAYNES: I think we also saw something in
22 the Tennessee Journal that was a premier piece of the
23 legislative motion in this session.

24 MR. PORTER: And what Buddy is -- I know with
25 city they've been annexing like crazy over the last two or

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1 three years. And they did good to get me all of the stuff a
2 month or two ahead of time to make sure we get everything
3 changed on the new 9-1-1 system, but in some places that
4 doesn't happen.

5 So what we like to see is when they open up that
6 act and do this to put a section in there that says that the
7 local 9-1-1 district has to sign off on this before it
8 actually goes into effect.

9 That have changed the addresses and everything
10 is ready to go or something to that effect. Is that what
11 you're asking for?

12 MR. PURKEY: Yes, sir. I understand that and
13 that will be fine. I just -- I think we've got to be careful
14 that we don't get on the side of TML because that can cause me
15 major problems in that statute. Wanda, do you have the same
16 concerns?

17 MS. MOODY: Yeah. Frankly, I don't see the
18 legislature passing any amendments to 1101, which was the
19 growth plan. I don't see them doing that at all, even though
20 TML might request it. I don't see it.

21 Because I think they were so addiment when they
22 passed it anyway and the growth plan was accepted by each
23 county and it was supposed to be in place for 20 years. I
24 just don't see it.

25 MR. PURKEY: I understand what you're talking

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1 about and that definitely needs to happen. I just think that
2 we've got to be careful that we are not perceived as
3 supporting TML's legislation. That's all I'm saying.

4 UNIDENTIFIED MALE: I've heard that.

5 MR. HAYNES: I should probably add too that some
6 of the TENA DCB discussions on this matter -- I don't want
7 anybody to getting the idea that what we read about TML or
8 what TML's action resulted in this conversation
9 happened today.

10 As a matter of fact, it goes back to a
11 conversation that I think all should know might have started
12 back when we were talking with Raymond shortly after an
13 incident happened back in Memphis.

14 It was a very publicized incident that occurred
15 in Memphis last year that maybe it wasn't the source of the
16 problem, but arguably the address was not made for whatever
17 reason.

18 And often, from what Raymond tells me, they're
19 playing catch up as well as any other 9-1-1 district to catch
20 up, particularly of what street names, address ranges, et
21 cetera are being affected.

22 And then you really throw a wrench into the
23 works when you do in a case like Sumner County where it covers
24 the three houses here, but they're not going to get that one
25 right next to it.

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1 So obviously the Memphis case regardless of who
2 was at fault was a case of bad gone to worse. It's making
3 national rounds now in the Washington Post and Harpeth Weekly
4 Magazine, which doesn't say -- it doesn't show Memphis in a
5 good light.

6 And I'm sure that it reflects upon the local
7 9-1-1 district, but arguably if you don't know how 9-1-1 is
8 doing in Tennessee to the rest of the nation it reflects on
9 this board.

10 Because the world's perception is, outside of
11 Tennessee, is the state board controls everything in 9-1-1 so
12 they must have dropped the ball too. So I think in given that
13 some -- an individual unfortunately -- this kid however died
14 in that incident.

15 I think that's kind of what has resulted in the
16 interest of honestly the staff as well as, TENA to say, well,
17 if this going to be done let's at least vote a public safety
18 check in there.

19 Nobody wants to get in the way of what TML wants
20 to do or anything like that. I'm more sensitive now to what
21 you say, Mr. Purkey, about where we need to be.

22 MR. PURKEY: Well, we just need to be careful.

23 MS. MOODY: I wonder if the smart thing for this
24 board would be at this time request that Anthony monitor any
25 legislation that's proposed.

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1 And then once anything comes forward then send
2 it to the board members and then we could have a conference
3 board meeting -- conference call board meeting -- emergency
4 meeting and vote for whatever amendment it looks like might be
5 needed.

6 MR. PURKEY: Buddy, I just -- 23 years in
7 government and nine years elected office, I know politics and
8 I would caution us against allowing TML or any other
9 organization to use us to open the statute.

10 That's -- that happens. I've seen it happen
11 and -- but what you're saying needs to happen, needs to
12 happen. I support that 100 percent. I just think we've got
13 to be careful.

14 MR. PORTER: Would everybody be in agreement
15 then to have Anthony to monitor this and work with Buddy and
16 see that it's going to happen and once it does then we can
17 react in whatever --

18 MR. PURKEY: Yes.

19 MS. MOODY: Have an emergency board meeting.

20 MR. PORTER: Is that agreeable? I think we need
21 to keep a close eye on each of them. Okay. We need
22 to -- I want to say -- I want to apologize to Anthony for one
23 thing. I want you-all to know that Anthony appeared at the
24 FCC and gave testimony back in September 11th.

25 It was actually a Congressman Congressional

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1 Committee. And I have that on VCR tape and my plan was that I
2 was going to make a copy of that for everybody on CD so you
3 could play it in your computer.

4 Well, I thought I was a technical guru enough to
5 be able to do that, but other things took my attention and I
6 didn't get that done this weekend like I had planned.

7 But I do -- will get that to you-all in the next
8 board meeting. And he did a great job testifying at that
9 Congressional Committee. And I was very proud of him and I
10 heard a lot of compliments from folks that saw it.

11 So I want to commend him for the job that he
12 did. And, you know, Tennessee is recognized in Washington now
13 by these folks because of Anthony and the job that he has
14 done.

15 He's got us on the map and we're -- I want to
16 commend him for what he did. And I apologize for not getting
17 that made. I also want to say -- I think you-all saw the
18 difference too -- but since Lynn has been here as our board
19 attorney, isn't it a wonderful difference? And she's just
20 done a great job.

21 And some of the information that she put
22 together on these cases and stuff that's comes before us and
23 on questions has just been remarkable. And I want to commend
24 you, Lynn, and the great job you're doing. We're glad to have
25 you onboard. Do you want to say something?

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1 MS. QUESTELL: I just want to thank you-all. I
2 have never had so much fun practicing law in my life. And
3 it's such an honor to work with everybody, including the board
4 and the staff. And I'm just so grateful to have a job where
5 everyone gets to where there's no winner and a loser.

6 I think we do our job as people in our darkest
7 hour will be well served and I appreciate it so much. I'm
8 honored. Thank you very much.

9 MR. PORTER: I told her if she stayed with us
10 long enough we would take the fun part out. Well, we
11 have -- I think we've got one of the best staffs. And I see
12 some of the other state records, they may have only have one
13 person.

14 I don't know how they do this, but we've got a
15 great staff and I commend all of you-all with the good job
16 that you're doing. We need to set another meeting date. Do
17 we have one already set for the March yet? 15th, 16th of
18 April. Does anybody have any major problems, you know of, for
19 the 15th or 16th?

20 If we need to meet before then we can always
21 call another meeting. Everybody okay with that? You want to
22 do the -- still do the 1:00 in the two days or is that --
23 you-all want to -- can we reserve the room for those two days
24 and then based on whatever the agenda load is -- Shelby, does
25 it make a difference to you?

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1 Do you want to try to do a one day meeting or we
2 can still do it two days one and at 9:00.

3 MS. MOODY: We could do a one day meeting. Why
4 don't we just come in the night before and start early in the
5 morning?

6 MR. PURKEY: I just don't want to get back to
7 where we're trying to drive down and do it and drive back the
8 same day.

9 MR. PORTER: Okay. Which ever you-all prefer.
10 I probably have the shortest -- well, Shelby -- but whichever
11 you-all want to --

12 MR. PURKEY: But you know one of the advantage
13 of 11:00 is we might get done by that day. Still stay that
14 night and get up in the morning and go on.

15 MS. MOODY: It's fine with me.

16 MR. PORTER: Try 11:00? So we're going to try
17 the April 15th the Thursday. Okay. April 15th, 11:00 a.m.
18 and the only way that would change is if Anthony's sees we've
19 just got a tremendous load of stuff we need to do and we can't
20 do it in one day and then we'll go back on 1:00 and 9:00.

21 Is that agreeable with everybody? Okay. Do we
22 need to go ahead and set a note with location? That was
23 brought up at I guess at the last board meeting or the one
24 before that -- probably the last board meeting -- about
25 meeting at other places other than in Nashville.

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1 Is that something the board wants to look at or
2 is that something staying here or --

3 MS. MOODY: Well, I think before when we would
4 talk about it it was the staff who felt that it was perhaps
5 burdensome for them. It doesn't matter to me. If the staff
6 feels that they could accommodate a meeting elsewhere then I
7 think that's fine.

8 MR. PURKEY: Yeah. It's a bigger deal for them
9 than it is anybody.

10 MR. HAYNES: I'm going to answer for the staff.
11 I think it would take a little bit of work on our part, but as
12 I got to checking around with it some of the board's here for
13 the Department of Commerce that, you know, are part of the
14 Department of Commerce, unlike you administratively attached,
15 are required by law to have at least one meeting in here
16 somewhere outside of Nashville.

17 So I will be glad to try to look at, not only
18 locations, but opportunities to where maybe at least one board
19 meeting, maybe as many as two a year, are held outside of
20 Nashville and you rotate them around the state.

21 I, quite frankly, think that's good politics and
22 it's good press exposure. It starts getting people more
23 interested in knowing what you do as opposed to just something
24 that happens without knowing who really governs it or tries to
25 help make it possible.

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1 MS. MOODY: I think it's a good idea.

2 MR. PORTER: Is everybody in agreement? You
3 want to try to look at that? Okay. Work on some future
4 board meetings, maybe an east and a west.

5 MR. LOWERY: I had found an article in the paper
6 that haven't already run across it. It's concerning the vast
7 majority of the nation's 9-1-1 emergency call centers that
8 haven't signed up for tele communications service priority
9 program to get restored if you have a terrorist attack or a
10 major outage.

11 Is that something that we can -- for the State
12 of Tennessee that the board can do or does that have to be
13 done by an individual?

14 MS. HAYNES: I think that has to be done on an
15 individual basis. And I was thinking that -- I think about
16 six months -- within the last six months I think -- and I can
17 research this -- but we sent out two documents that we
18 obtained through NSNA (phonetic) and MENA (phonetic) and it
19 was basically the memorandum of the agreement with Norad
20 (phonetic) and the public safety agencies that dealt with
21 everything from if the PSAP gets a call from a highjacked
22 airplane how they're suppose handle it and the protocol to go
23 with that as well as the information of registering with the
24 NCS, the National Communications Service.

25 I'll go back and check, but if I -- I will

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1 work -- I'll be glad t work with you and if that information
2 did not encompass everything that we're talking about, we will
3 do a separate mailing to the district as well as instructions
4 about what they need to do.

5 MR. LOWERY: So isn't -- so if they have a
6 problem or if they need help -- because a lot of the
7 districts -- a lot of them -- anybody concerning the tele
8 communications weren't signed up so they're a priority.

9 They got started putting people back on. They
10 said sorry, you weren't on the list. You go to the bottom.
11 And one other quick -- anything that will be concerning us,
12 hopefully not, on this situation where the court order
13 conjunction against the district.

14 I don't know. I'm asking is if that's something
15 up here.

16 MR. HAYNES: Why don't I allow general counsel
17 to come and I'll ask that she talk to both parties.

18 MS. QUESTELL: I think that's been taken up in
19 Chancery Court; that there's a good chance that the Chancery
20 Court will resolve it. Do you-all want some details about
21 that or did you-all know that?

22 MR. LOWERY: Very similar to what we just sat
23 here and heard from Johnson County.

24 MR. PORTER: They just kind of bYpassed us and
25 went to Chancery Court. Anything else that needs to come

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1 before the board? Anybody in the audience that needs to
2 address the board for anything? Hearing none, I accept the
3 motion to adjourn.

4 MR. PURKEY: Meeting adjourned.

5 MR. PORTER: Do I have a second? All in favor
6 say "aye". All opposed like sign. Thanks everyone.

7 (END OF PROCEEDINGS.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF SUMNER)

I, Beverly A. Cannon, court reporter and notary
public in and for the State of Tennessee at Large,

DO HEREBY CERTIFY that the foregoing transcript of
the proceedings were taken at the time and place set forth in
the caption thereof; that the proceedings were
stenographically reported by me in shorthand; and the
foregoing transcript constitute a true and correct transcript
of said proceedings, to the best of my ability.

I FURTHER CERTIFY that I am not related to any of the
parties named herein, nor their counsel, and have no interest,
financial or otherwise, in the outcome or events of this
action.

IN WITNESS WHEREOF, I have hereunto affixed my
official signature and seal of office this the 20th day of
February, 2004.

Beverly A. Cannon, Notary Public
State of Tennessee at Large

My Commission Expires: February 14, 2006

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